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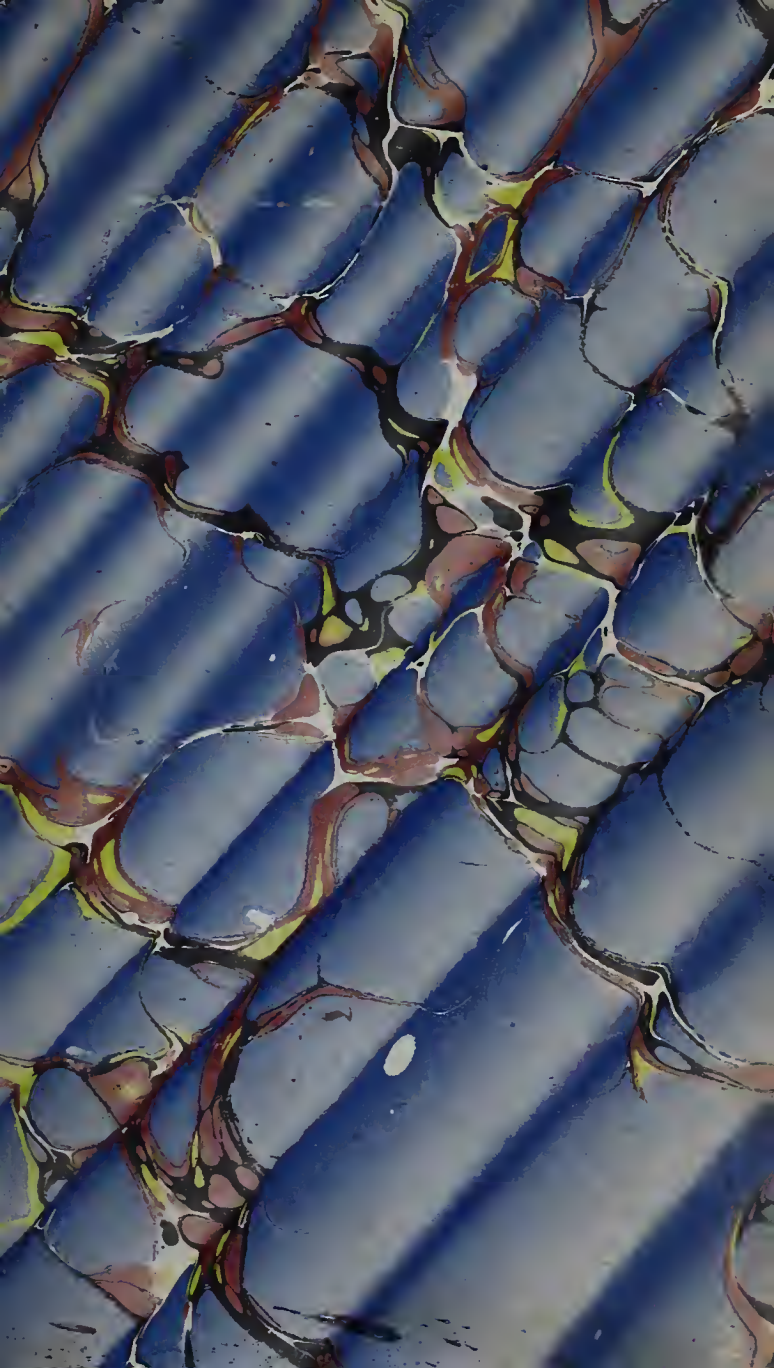

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THE

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History.

ENGLAND.

BY

THE RIGHT HON. SIR JAMES MACKINTOSH, M.P.

VOL. II.

LONDON:

PRINTED FOR

LONGMAN, REES, ORME, BROWN, AND GREEN,

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1831.

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"Masters," quoth the cardinal, "unless it be the manner of your house, as of likelihood it is, by the mouth of your Speaker whom you have chosen for trusty and wise (as indeed he is), in such cases to utter your minds, here is without doubt a marvellous silence;" and thereupon he required answer of master Speaker. Who first reverently on his knees excusing the silence of the house, abashed at the presence of so noble a personage able to amaze the wisest and best learned in a realm, and after by many probable arguments proving that for them to make answer was neither expedient nor agreeable with the ancient liberty of the house; in conclusion for himself showed that though they had all with their voices trusted him, yet except every one of them could put into his one head all their several wits, he alone in so weighty a matter was unmeet to make his grace answer. Whereupon the cardinal, displeased with Sir Thomas More, that had not in this parliament in all things satisfied his desire, suddenly arose and departed."

Roper's Life of Sir Thomas More.

THE HISTORY OF ENGLAND

BY

The Right Honorable

SIR JAMES MACKINTOSH, L.L.D: M.P.

VOLUME THE SECOND.

H. Corbould del.t E. Finden sculp.

Sir Thomas More as Speaker of the Commons addressed by Cardinal Wolsey

45540

London:

PRINTED FOR LONGMAN, REES ORME, BROWN & GREEN PATERNOSTER ROW

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HISTORY

OF

ENGLAND.

CHAP. I.

WAR OF THE ROSES.

HENRY VI.—EDWARD IV.

1422—1483.

The history of the expulsion of the English army from France has been briefly related at the close of the former volume. The civil wars between the partisans of the hereditary pretensions of the house of York and the adherents to the parliamentary establishment of the house of Lancaster, which followed this event, cannot be understood without some review of the internal administration of the kingdom, the state of the royal family, and the animosities among the counsellors of the king during the first thirty years of his nominal rule. This state of affairs contributed to plunge the nation into convulsions, and conduced also to clothe violent revolutions in the robes of law and of form; thin disguises, indeed, yet serving as some restraint on the rapacity, and as some obstacle to the progress, of an otherwise boundless ambition.

The first parliament of Henry was convoked in November 1422, when he was in the tenth month of his age, with all the circumstances of grave mockery and

solemn falsehood which characterise the acts done in the name of minor kings.

This parliament was held in virtue of a commission to which the great seal was affixed, as the commissioners gravely averred, by the command of an infant who had not yet uttered an articulate sound. That assembly, however, thus resting its authority solely on the pretended order of a child who had not learned to speak, conferred the regency of both kingdoms, with the administration of France, on the duke of Bedford, and the protectorship of England, in his absence, on his brother the duke of Gloucester. By an act, the first perhaps drawn in English, a language since so fertile in such measures, it granted a subsidy to the crown. In the midst of apparent humility and prostrate submission before a royal infant, they nominated a council of regency, without whose consent no considerable act of state was to be legal. This body was composed of five prelates, six great lay lords, and five of the minor nobility, who, after a course of ages, being gradually amalgamated with the wealthier commoners, formed that body, unknown in other countries, called among us the *gentry*. * Bedford, whose title as regent gave him a higher authority than his brother, might at any time really supersede the protector by returning to England; and the powers of the council of state reduced, on ordinary occasions, the protectoral authority within narrow limits.

In the parliament of the succeeding year, the ransom and marriage of the king of Scots, who for twenty years had been detained a prisoner,— with all due honour and state indeed, but without a shadow of law or allegation of right, — were regulated by the advice and with the consent of both houses. At this time, by the death of Edmund last earl of March, the hereditary pretensions of the house of Clarence became vested in Richard Plantagenet duke of York, the son of Anne Mortimer, heiress of that family: Richard, however, being then only a boy of fourteen, a serious prosecution of his claim was not

* Rot. Parl. iv. pp. 169—174.

to be apprehended. * So little, indeed, were his pretensions feared, that long afterwards Bedford and Gloucester, the king's uncles, as well as the duke of Somerset and cardinal Beaufort, the sons of John of Gaunt by Catherine Swineford, and thence the leaders of the Lancastrian party, thought it a safe policy to unite all the branches of the royal family, by granting to the duke of York in succession the lieutenancy of Ireland and the regency of France. Dissensions early arose between Humphrey duke of Gloucester and Thomas bishop of Winchester, afterwards cardinal, whose shares in the government at home were too equally poised for the ambition of either. These feuds ran so high, that it became necessary for the duke of Bedford to compel both parties in full parliament to refer their differences to the arbitrement of certain peers and prelates. An oblivion of past quarrels and a promise of friendship in time to come † was awarded, and was confirmed by confessions and salutations on both sides in the presence of the estates in parliament assembled; professions which, if slightly sincere at the moment on either side, were so superficial that the impression was quickly effaced by rivalship. Beaufort, whose private life was more that of a prince than that of a prelate, was politic, martial, penurious, except on occasions of parade, and combined the jarring passions of love of power and of love of money. With his knowledge, which for that age was not contemptible, his long observation, and his expertness in affairs, he did not easily brook an inferiority of place to a boy. The first subject of contest between the two chiefs was the possession of the Tower of London, which involved the custody of the infant king. The apparently amicable settlement of this point was followed by disputes whether the power of the council of regency, in which Beaufort exercised a great ascendant, ought not to be enlarged at the expense of the protector. Attempts were at the same time made

* Dugdale, i. 161. Edmund Mortimer, earl of March, died on the 23d of January, 1425.

† Rot. Parl. iv. 299.

to exclude Beaufort from the council on the ground of his being a cardinal, and, in that high character, the counsellor of another potentate. The parliament, however, sanctioned his continuance in office *, notwithstanding this natural jealousy, which has often prevailed in catholic countries. In the parliamentary rolls of 1427, there is a declaration of the lords in parliament, composed in the English language, and addressed to the duke of Gloucester, who had demanded that they should accurately define the power and authority which appertained unto him as "protector and defendour of this land." The duke refused to come to parliament until such a definition was made, as "he had formerly desired to have the governance of this land, as well by birth as by the last will of the late king." The answer of the lords was peremptory and authoritative. They apprised the duke that the late king "might not by his last will, nor otherwise, alter without the consent of the estates, nor grant to any person the governance of this land longer than he lived; and that the desire of the duke was not according to the laws of this land, but was against the right and freedom of the estates of the same land." They nevertheless for the sake of peace declared, by the authority of the king and the three estates, that in the absence of his brother Bedford he (Gloucester) should be chief of the king's council, "not with the name of lieutenant-governor, nor regent, nor any other that importeth authority over the land, but with the name of protector and defender, which importeth a personal duty of attendance to the actual defence of the land;" and, finally, referred him to the act of parliament which named him as the sole measure of the power of his office. †

So absolute was the supremacy of parliament, and so completely did they assume to themselves the power of the minor king, that they thus regulated the distribution of his prerogatives and dominions among various officers, some of whom were so unknown to former usage that it

* Rot. Parl. iv. 338. † Ibid. 326.

became necessary to frame new and very indefinite names for them. At various periods of the minority changes were made in persons, and in the powers with which they were invested, as if to display the authority of parliament, but which also indicated the secret discord between the duke and the cardinal, discord of which the embers were not yet extinguished. Gloucester sought the united support of all the legitimate Plantagenets, more especially of Richard duke of York, who, in his governments of France and of Ireland, conducted himself with the fidelity becoming his just and moderate character. The lay representative of the domineering cardinal was his nephew, Henry Beaufort, afterwards duke of Somerset. The two ministers tried their strength in the question relating to the release of the duke of Orleans, a prisoner since the battle of Agincourt, whom the cardinal procured to be enlarged, with such displeasure on the part of Gloucester that he protested against the measure, and took to his barge to avoid sanctioning by his presence the oaths of the enlarged prince not to turn his liberty and his arms against England.*

In the ensuing year a more conspicuous blow was struck at the protector's greatness. In that age the charge of sorcery was irresistible. It blasted all whom it touched, raising such a storm of indignation and abhorrence that no mind had calmness remaining to distinguish guilt from innocence, if such terms can properly be applied to this imaginary crime. It was the sharpest weapon of churchmen, who were thought most capable of discriminating and subduing the confederates of the infernal powers. An accusation of sorcery and treason was brought against Elinor Cobham, the wife or concubine of Gloucester. She was charged with having framed a waxen statue of the king, whom she was slowly to torture, and finally to destroy, by such applications to this image, as, according to the first principles of necromancy, would become painful and fatal inflictions on

* Fenn. or Paston Letters, i. 3. 1 Nov. 1440., 19 H. 6.

the royal person. An ecclesiastic named Bolingbroke, her husband's secretary, Hum her chaplain, and Southwell, a canon of St. Stephen's chapel at Westminster, men of most repute for knowledge of any in their time, were convicted with her of the same composition of necromancy and treason. One suffered public execution; two died secretly and suddenly in prison. Elinor herself, on the 13th of November, 1441, was brought from Westminster by water, and landed at the Temple bridge, from whence, with a taper of wax of two pounds weight in her hand, she went through Fleet-street, "hoodless, save a kerchief, to St. Paul's, where she offered her taper." At two other days in the same week she was landed at Queenhithe and in Thames-street, whence she made the like penitential procession to other shrines in the city; at all which times the mayor, sheriffs, and crafts of London received her and accompanied her: the march, doubtless, preserved the show of voluntary penitence; and the exposure of the king's aunt was softened by some tokens of her royal connexion. She was afterwards committed to the custody of sir John Stanley, comptroller of the household: a chronicler describes her to have been sent by him "to dwell an outlaw in the wilds of the Isle of Man." But by the more credible testimony of records it appears that she had been committed a prisoner to his castle of Chester, whence she is traced to Kenilworth, where she disappears from history.* The sorcerers themselves doubtless trusted as much the potent malignity of their own spells as other men dreaded them. They intended to do evil, and believed that they had accomplished their fell purposes. They might be thought as wicked as real demons, if it were possible for mankind to contemplate with lasting abhorrence intentions and designs which are known from their nature to be for ever incapable of being carried into execution; yet their black attempts spread dismay and alarm among mankind, and the general apprehension was as real an

* Ellis's Royal Letters, second series, i. 107. Rymer, xi. 45.

evil as if the means contemplated had been substantial and efficacious.

While the bulwarks of Gloucester's security as well as dignity were thus loosened around him, and though he saw his connections crumbling on every side, he was obliged "to take all patiently and said little."* Another transaction occurred which speedily threw the whole current of authority into new channels: this was the marriage of the imbecile king with a French princess of great spirit and renown, Margaret, the daughter of Renè of Anjou, titular king of Sicily; a woman with the allurements but without the virtues of her sex, endowed with masculine faculties, trained in the sanguine hopes and wild projects of adventurous exile, and who became as fearless and merciless as any of the heroes of her time. Thus the guidance of the most timid and effeminate of monarchs fell to the charge of the fiercest and one of the ablest of females. The marriage was solemnised in May, 1445, with a splendour more becoming the actual state than suited to the impending fortunes of the king. In a curious account of the nuptial pomp by a contemporary chronicler†, we are struck by the show and bravery of the trading companies of London, already mingling the display of their commercial wealth with the gorgeous magnificence of princes and lords. One circumstance brought unpopularity on the marriage, and on Suffolk who had concluded the treaty. The territories of Maine and Anjou had been ceded to Renè in the matrimonial treaty. They were the keys of Normandy; which, being placed in the weak hands of Renè, enabled the French army to overrun that most English of the provinces situated in France.

The final attack on Gloucester was made in the year following that of the marriage. It is a transaction buried in deep obscurity; of which a probable account may be hazarded, but of which little, except the perpetration of an atrocious murder, can be affirmed with certainty. General belief, and our most ancient writers, trace it to the

* Grafton. † Fabian.

deep-rooted animosity between the cardinal Beaufort and the duke of Gloucester. We find them engaged in angry and fierce contest from the beginning, without any appearance of their enmities having really ceased to the last. Even in his most advanced age, there is no indication that the cardinal renounced his inveterate habits of ambitious intrigue, the last vice perhaps extinguished by grey hairs. In the mean time, however, the chief administration of public affairs had gradually slid into the hands of William de la Pole, earl and afterwards duke of Suffolk, son of the unfortunate favourite of Richard II. His grandfather, sir William de la Pole, a merchant at Hull, had, by loans and supplies to Edward III. during the French wars, raised his family to the threshold of nobility. After the cardinal's decay, and the appearance of a domineering queen, Suffolk became like his predecessor the enemy of Gloucester.

The minister felt a prince engaged in public affairs to be a formidable rival. His jealousy was quickened by Gloucester's popularity, and by the compassion of the multitude for the ignominy heaped on his family and adherents. His condemnation of the pacific policy adopted towards France (first shown in his resistance to the duke of Orleans's enlargement), and his affectation of zeal for the more heroic councils of Henry V., contributed to offend the queen and to displease the minister of a new system. De la Pole himself, who had risen under the cardinal, can hardly be believed to have embarked in any enterprise against his own, the prelate's, and the queen's enemy, without perfect assurance that it would not be unacceptable either to Beaufort or to Margaret. The advanced years of the cardinal were likely to be more soothed than displeased by one of those irregular blows against an enemy which were considered as masterstrokes of policy. It is no wonder, then, that the crime directly perpetrated by De la Pole has always been thought not to have been disapproved by the young queen; and, to use the significant words of an old chronicler, "to be not unprocured by the cardinal." In February 1447,

at a parliament holden at St. Edmund's Bury, the lord viscount Beaumont, by the king's command, arrested Humphrey duke of Gloucester for divers acts of high treason. If there were any parliamentary proceedings on the subject, no part of them is to be found in the printed rolls of parliament.* Within two days of the committal the duke was found dead in his prison. His body, which was exposed to public view, had no outward marks of violence. No legal enquiry into the circumstances of the death of the presumptive heir to the throne seems to have been demanded. Some of the most remarkable circumstances of the case are a grant of the county of Pembroke, a part of his vast possessions (if he should die without issue), to De la Pole, his accuser and destroyer, executed some time before; the mockery of suing out administration for the king as next of kin to his uncle, who died intestate; and the seizure of the dower of the unhappy Elinor, which they alleged to be forfeited by her pretended crimes. Many were thrown into prison as Gloucester's accomplices. Of these, five gentlemen of the duke's household, sir Roger Chamberlayne, Middleton, Herbert, Arthur, and Needham, were condemned to be hanged, drawn, and quartered; on what proof, and by what mode of trial, we know not. Suffolk the prime minister was, it seems, present at their trial, and more certainly on the day of execution. When the culprits were cut down, and after their bodies were marked for quartering, the duke of Suffolk took a paper out of his pocket containing the king's pardon, which he read aloud to the multitude †, assigning the reasons of the royal mercy, one of which was the indecency of a public execution on Friday. The duke of Gloucester had endeared himself to the people in some measure, perhaps, by his zeal against the French party, but more justly by his generosity, valour, and encouragement of letters, with which he was himself not

* The imperfect state of the rolls revives my envy of those historical enquirers who will have the good fortune to begin their labours after Mr. Palgrave's edition shall be completed.

† Fabian, 619. 4to. London, 1812.

untinctured. He was long bewailed as the good duke of Gloucester.

He was followed to the grave within two months by his old rival the cardinal, who did not leave behind him so good a name. The Lancastrian party was thus stripped of its chiefs. No male Plantagenet of that lineage remained but the pageant king; and the execution of Somerset completed that naked and defenceless position of the crown which had been caused by the murder of Gloucester.

In the year 1450 the administration of Suffolk was closed, in a manner of which the outward circumstances are characteristic of the time, though the secret springs of it are imperfectly known to us. He had been impeached in 1447 for high treason, in exciting the French to invade England, in order to depose Henry, and to place on the throne De la Pole's son, who was to wed Somerset's daughter, considered by the Lancastrian party as the next in succession to the crown. He was charged with the loss of France by his negotiations in that country, and with having betrayed the secrets of the state to the French ministers. Many other illegal and tyrannical acts were thrown into the scale by the house of commons. Few of these acts, if proved, would have amounted to treason; many of them were either frivolous, or supported only by vague rumour; and the remainder were composed of the irregularities which no man who had any power to do wrong was at that time solicitous to avoid. The king, however, stopped the impeachment.* He called the peers and the accused into a secret apartment of his palace, where the chancellor, by the king's command, acquainted the prisoner that the king, having considered the charges of treason, held the duke to be neither acquitted nor convicted: "that touching the misprisions, the king, by force of your submission, by his own advice, and not referring himself to the advice of the lords, nor by way of judgment,—for he is not seated in a place of judgment,—putteth you to his rule

* Rot. Parl. v. 182.

and governance; and commands that you shall absent yourself from the realms of England and France for five years." Lord Beaumont, on behalf of the lords, protested that they did not share in this act; and that it should never be cited in derogation of their honour, nor to prejudice the privilege of peerage in all time coming.

As far as it is possible to liken so anomalous a proceeding to legal regularity, the above entry has some resemblance to a conditional pardon of the impeachment, with a general understanding, that by a breach of the conditions the prisoner would expose himself to the king's displeasure. The public, as we learn from a contemporary, considered the whole as a juggle; and "it was believed that the duke of Suffolk was right well at ease and merry, and in the king's good grace, and in the good conceit of the lords as well as ever."* The prevalence of such surmises renders the event which followed somewhat more unintelligible. The duke took shipping for Calais, in pursuance of the king's command. He was stopped near the coast by one of the largest vessels of those times, called the "Nicholas of the Tower," which carried 150 men. The commander of that ship sent a party on board the duke's bark to bring him to the Nicholas, and on his being brought said to him, "Welcome, traitor! as men say." He was allowed a confessor; and on the next day, 2d May 1450, the duke, in sight of all his men, who looked on from their small vessel, was drawn out of the great ship into the boat, where there were an axe and a block, and one of the meanest of the mariners bade him lay down his head and he should die by the sword. The seaman then took a rusty sword, with which, in half a dozen strokes †, he cut the head from the body.

It seems evident that the instrument of the downfal of De la Pole was the hatred of the people, and of the house of commons, raised to the utmost pitch by the barbarous murder of Gloucester, apparently the most

* Fenn. i. 29.
† Ibid. i. 39. evidently from the words of an eye-witness.

popular Plantagenet since the Black Prince. But the component portions of the party formed against him, their leader, and their motives are not to be so easily understood. How the queen, then all powerful, looked calmly on his overthrow, seems incompatible with the whole of her conduct since he had negotiated the marriage. It is not more easy to conjecture the authority or the inducements which, after he had been released by the king and sheltered from popular fury in mild banishment, caused him to be dragged from the vessel which was bearing him to the place of his appointed exile; to be carried by force on board a ship of the state; and, by order of her commander, to be murdered in open day, with some butcherly mimicry of an execution of public justice. Perhaps the ambitious queen, and her late colleagues in administration, yielded to the fear of those commotions which the swell of the sea and the blackness of the clouds indicated not to be distant; nor is it improbable that Margaret, loaded by him with burdensome benefits, might have shown that she should not be inconsolable if she were delivered from a man who had the power to bestow so much good, and consequently to inflict so much evil. The contemporary relater of this barbarous deed tells his correspondent, that, in writing it, "he had so washed his short letter with sorrowful tears, that it would be scarcely possible to read it:" tears which, if they were those of humanity, do honour to the memory of Suffolk, but which may only have been the regret of a partisan at the loss of the leader of his faction.

Before the impeachment of Suffolk, some risings of the people, who took the nick-name of *blue beard*, manifested the gathering discontent. In the month of June, immediately after the murder of that minister, a body of the peasantry of Kent met on Blackheath in arms, under a leader of disputed descent, who has been transmitted to posterity with the nickname of Jack Cade.* On him

* Stowe alone represents this leader's name to have really been *Cade*. In a contemporary record he is called Mr. John Aylmere, physician.—Ellis's Letters, i. second series, 112.

they bestowed the honourable name of John Mortimer, with manifest allusion to the claims of the house of Mortimer to the succession; which were, however, now indisputably vested in Richard duke of York. In the force assembled by the king were many not untainted by the disaffection of the peasantry. After the defeat of a part of the royal troops at Seven Oaks, the remainder refused to fight. Lord Say was committed to the Tower to satisfy the revolters. The king, driven from the field, took shelter in London; and on occasion of a second revolt of the commonalty of Essex, he fled to Kenilworth, lest he and his court should be surrounded. Cade now assumed the attire, ornaments, and style of a knight; and, under the title of captain, he professed to preserve the country by enforcing the rigorous observance of discipline among his followers. The duke of Buckingham and the archbishop of Canterbury, who had been sent to negotiate with him, acknowledged that they found him "right discrete in his answers; howbeit they could not cause him to lay down his people, and to submit him" (unconditionally) "unto the king's grace."

He made a triumphant entry into London, in the shining armour and gilt spurs of a knight, and issued a proclamation forbidding, under pain of death, his men from taking any thing without payment; an indulgence which, however, he is said by his enemies, through whom alone we know him, to have granted to himself. He rode in exultation through divers streets; and as he came by London stone, he struck it with his sword, saying, "Now is Mortimer lord of the city!" Lord Say, the treasurer, was executed with a few others. A battle or bloody scuffle was continued during the night on London Bridge, in which success seemed to incline to the insurgents, until the archbishop of Canterbury sent to Cade pardons for himself and his companions; "by reason whereof he and his company departed the same night out of Southwark, and returned every man to his own home." * In the subsequent attainder of

* Fabian, 625.

Cade *, the treasons for which he was attainted are, indeed, alleged to have been committed on the 8th and 9th of July, in order that he might not seem to have suffered for any act pardoned by the general amnesty which was granted on the 7th of July; but his enemies had leisure and opportunity, for more than twelve months after his death, to adapt their forms and dates to their own purposes. The two days which immediately followed the amnesty might have been employed in reaching a place of safe and convenient dispersion: a certain military array and order, which were technically treasonable, might have been necessary to this inoffensive purpose; insomuch that, according to all the fair and honourable rules of construction, a march to a place of dispersion might have justly been comprehended under the protection of the amnesty. It seems also evident that all the legal executions took place after the death of Cade; and the chroniclers hint at no distinction between the treasons before and those after the general pardon.

The pretensions of the house of York, which seemed to have been so long forgotten, were now revived by the popular virtues of the duke of York contrasted with the insignificance of Henry; by the arrogance and violence of Margaret, who bore prosperity so ill and adversity so well; by the loss of France; by the long dishonour brought on the English arms; and by the general opinion that a bodily infirmity attended the mental imbecility of Henry, which was likely to render him the last descendant of John of Gaunt.

But the last and most promising expectation of a pacific issue amidst jarring pretensions was disappointed by the unexpected pregnancy of the queen and the birth of her ill-omened son, Edward prince of Wales; which last event occurred on the 13th of October, 1453 †, seven years after the marriage. Till that birth it seemed possible to preserve the public quiet and avert an armed

* Rot. Parl. v. 229.

† "His noble mother sustained not a little disclaunder of the common people, saying that he was not the natural son of king Henry."—*Fabian*, 628.

contest for the crown, by vesting the administration during Henry's life in Richard, and leaving the succession to its natural course; which, after the death of that prince, would place the crown on the brow of Richard duke of York, the Plantagenet of undisputed legitimacy nearest to the throne. A prince of less estimable and unambitious character than Richard might have been well satisfied with so ample a share of the power and dignity of royalty, either in possession or in expectation; but the birth of Edward blocked up this single road to peace, and, by opening a possible prospect of numerous issue, threatened the whole kingdom with the odious dictatorship of Margaret, continued through the imbecility of her husband, and the minority of a series of perhaps equally suspected children.*

The duke of York impeached the duke of Somerset for the loss of Normandy and Aquitaine; but chiefly with an intention to weaken his power as the Lancastrian leader. It was not, however, till the birth of the prince that the claims of York began to be seriously made. Though an unfriendly correspondence between York and the king's prompters had subsisted for some time, it seemed only to be one of the military impeachments, which had become a frequent though lawless mode of removing evil counsellors, and which was regarded as a baronial privilege. It is not, indeed, wonderful that the mere principle of hereditary succession should have been so long kept out of public view. Few pretensions can be more glaringly absurd than that of the house of York, as far as it barely rested on that supposed principle. The descendants of John of Gaunt had now filled the throne for nearly sixty years: they were raised to it by a solemn parliamentary establishment, confirmed by the general obedience of the whole nation, and by manifold oaths of allegiance from successive generations of the hereditary pretenders themselves. To press the

* "His mother sustained not a little slander and obloquy of the common people, who had an opinion that the king was not able to get a child; and therefore slulked not to say that this was not his son; with many slanderous words to the queen's dishonour, much perhaps untruly."—*Holinshed*, iii. 236.

convenient rule of hereditary succession to such an extremity, was to expose society to that disorder and anarchy from which monarchy was regarded as a refuge. If an enquiry into titles could be thus retrospective, what principle could limit its operation? Surely the heirs of Edgar Atheling, if not those of king Arthur, ought to be preferred to the descendants of Edward III. A restoration after an establishment of sixty years is a revolution, and leads to an endless series of revolutions. The revived establishment is as untried by the existing generation as if it had not subsisted in past times; it is as little known from experience whether it will be suitable to their needs; combined as it must be with new and unknown agents, no man can foretell its future course from a remembrance of its former power in a simpler form or in other combinations.

It seems, accordingly, to have been rather from the personal merit of the duke of York, from the general proximity of his family to the royal blood, from the habit of considering them as presumptive heirs of the crown for the thirty years which elapsed between the extinction of the Mortimers and the birth of prince Edward, than from any strong sense or even distinct conception of hereditary right, that the English nation, humbled abroad and agitated at home, began to turn their eyes to the first prince of the blood, and to seek a refuge under his sway from the passionate tyranny of Margaret, whether exercised through an imbecile husband or a minor son.

The civil war between the red rose of Lancaster and the white rose of York is, in every sense, the darkest period of our history within the time in which its outlines are ascertained by documentary evidence. We are no longer enlightened, as in otherwise less advanced times, by such excellent writers as Bede, Malmesbury, and Matthew Paris. A few strokes of Comines throw a more clear and agreeable light over our story than the scanty information of our own meagre and unskilful writers. This defect in historical materials seems to

depend in part on peculiar circumstances in the progress of our literature and language. The war of the roses fills an insulated space between the cessation of Latin annalists and the rise of English historians. Men of genius ceased to write in a language of which the employment narrowed their power over the opinions and applauses of their countrymen. During the period which we now contemplate, they may be said to have paused before they turned their powers of writing towards their native tongue, although it was daily more fitted for their purpose by its successful employment in the contests of the bar and the senate. The nature of the civil war itself, which was merely personal; the multiplicity of its obscure and confused incidents; the frequent instances of success without ability, and of calamity befalling the unknown and uninteresting; the monotonous cruelty of every party, which robbed horror itself of its sway over the soul; together with the unsafe and unsteady position of most individuals, which repressed the cultivation of every province of literature, more especially repelled men of letters from relating the inglorious misfortunes of themselves and of their country. More obvious causes contributed towards the same effect. The general war often broke out in local eruptions and provincial commotions, which no memory could follow. The mind is often perplexed at the sudden changes in the political conduct of chiefs, which arise from momentary impulses of great danger, or of newer and stronger hatred, which act with redoubled force in times of convulsion. The inconstancy is made to appear greater than it really was, by those alterations of name and title, which occasion some difficulties in our most orderly times.

Some of the preludes of civil confusion deserve notice, as curious specimens of a laborious regard paid to the forms and fictions of law amidst the dread of tumult and carnage. Thomas Thorp, a baron of exchequer, and speaker of the house of commons, who had been, by the duke of York's procurement committed to prison to

enforce payment of a fine, sought his enlargement on the ground of parliamentary privilege. "The lords spirtual and temporal not intending to empeche or hurt the liberties and privileges of theym that were comen for the commune of this land, for this present parliament, asked the judges whether the said Thomas ought to be delivered from prison by privilege of parliament. The chief justice, in the name of all the justices, answered and said, that they ought not to answer to that question; for it has not been used aforetime that the justices should in anywise determine the privilege of this high court of parliament; for it is so high and so mighty in its nature, that it may make law, and the determination and knowledge of that privelege belongeth to the lords of the parliament, and not to the judges." Thus did the independent power of the house of commons flourish in the midst of storms, and the foundations of legal liberty were laid by the violent contests of ambition merely personal.

In the same parliament, which was holden in the abbey of Reading by John Tiptoft earl of Worcester, a statesman neither merciful nor spotless, but distinguished as one of the earliest patrons and even cultivators of letters among the English nobility, another scene was exhibited, which lays open to us the deplorable condition of the king. A committee of three spiritual and eight temporal lords was appointed to confer with the king on measures of state *, or, in plainer language, to ascertain Henry's capacity for government. "The bishop of Chester read to him part of his instructions; to this statement they could get no answer nor sign for none of their prayers or desires. After dinner they moved him again for an answer; but they could have none. From that place they willed the king to go into another chamber, *and he was led between two men to the chamber where he lieth;* and there they stirred him the third time, but they could have no answer, word, nor sign, and therefore with sorrowful hearts came their

* March 23. 1454. Rot. Parl. v. 241, 242.

way." Having thus ascertained the total incapacity of the king, the lords chose the duke of York to be protector and defender of the kingdom, which he accepted; protesting, however, that he did not assume the title or authority of protector, but was chosen by the parliament of themselves, and of their own free and mere disposition; and that he should be ready to resume his obedience to the king's commands, as soon as it was notified and declared unto him by the parliament that Henry was restored to his health of body and mind. Applying precedents of infancy to a case apparently of temporary idiotcy, they then proceeded to a notable expedient, copied in modern and very recent times—commanding the chancellor to frame and seal a commission in the king's name and by his authority, as well as with the advice and consent of the lords and commons, nominating the infant prince of Wales, when he reaches years of discretion, to be protector of the kingdom; but appointing Richard duke of York to exercise the office till that infant prince should be of age: the whole to be in force during the king's pleasure.

The duke of York gained the support of the potent earls of Salisbury and Warwick, by his marriage with their sister the lady Cicely Neville. These lords led into the field the well-tried borderers of Wales. Mowbray duke of Norfolk, and Courtenay earl of Devon, were zealous Yorkists. London and its neighbourhood favoured the pretensions of that party. All who had suffered from or were indignant at the tyranny of Margaret, all who earnestly sought to avenge the murder of the good duke of Gloucester, or to punish the lawless execution of Suffolk, flocked to the standard of redress, in hopes of winning the possession of the kingly pageant, by whose hand the queen still ruled the kingdom. Percy in Northumberland, and Clifford in Cumberland, led a border force to the aid of Margaret. She was supported by the dukes of Somerset and Buckingham, by Edmund of Hadham earl of Richmond, and Jasper of Hatfield earl of Pembroke, the king's half brothers, the issue of

the second marriage of his mother Catherine of France, with Owen ap Tudor, a Welsh gentleman, who, as the house of Lancaster was thinned by violent deaths, came gradually to be considered, if not as princes of that family, at least as the chiefs of the Lancastrian party. The court, fearful of the popularity of the Yorkists in the capital, advanced towards the north, where they themselves had numerous partisans. The two parties first met at St. Alban's on Thursday the 23d of May, 1455, to contend with small means for an immense prize; the king being attended to the field by only 2000 soldiers, and the duke by no more than 3000. The duke, in the humblest language, assured the king of the loyal attachment of himself and his friends to his majesty's sacred person; but they added, "Please it your majesty royal to deliver such as we will accuse, and they to have like as they have deserved, you to be honourably worshipped as most rightful king and our true governor."* The king sternly answered these applications by commanding the rebels to disperse; and by declaring that "rather than they shall have any lord that here is with me at this time, I shall this day, for their sake, in this quarrel myself live or die." York considered this refusal as a lawful cause of war. While the messages were passing between the two camps, and when the vigilance of the king's officers was somewhat lulled, the earl of Warwick, rushing into the town at the head of his hardy marchmen, threw the enemy into a confusion from which they were unable to recover. The royalists were dispersed. Three of their chiefs, the duke of Somerset, the earl of Northumberland, and the lord Clifford, with less than 200 of the commoner sort, fell in this engagement, which might rather be called a scuffle than a battle.†

An extraordinary carnage among the commanders was observed by contemporaries to distinguish this fatal war. "In my remembrance," says Philip de Comines‡, "eighty

* Holinshed. † Fenn, i. 100.
‡ Comines, liv. i. chap. vii.; liv. iii. chap. iv.

princes of the blood royal of England perished in these convulsions; seven or eight battles were fought in the course of thirty years; their own country was desolated by the English as cruelly as the former generation had wasted France. Those who were spared by the sword renewed their sufferings in foreign lands. I myself saw the duke of Exeter, the king of England's brother-in-law, walking barefoot after the duke of Burgundy's train, and earning his bread by begging from door to door." Every individual of two generations of the families of Somerset and Warwick fell on the field, or on the scaffold, a victim of these bloody contests.*

Immediately after the battle of St. Alban's, York called a parliament, or caused Henry to issue writs for that purpose, in order to sanction his victory by the show of order and law. At the opening of the session on Wednesday, the 9th of June, 1455, the king being seated on his throne, with all the display of liberty and dignity †, he declared the duke of York and the earls of Warwick and Salisbury to be innocent of the slaughter caused at St. Alban's by the duke of Somerset's having concealed their letter from the king; and, with the consent of parliament, he pronounced the Yorkist lords, and those who aided them, to be "our true and faithful liegemen." A general pardon was granted; the parliament was prorogued till the 12th of November, when it was opened by the duke of York, under a commission from the king; the duke was elected protector by the lords, on the repeated proposition of the commons; and the chancellor gave the royal assent on behalf of a prince, whose want of capacity to assent or dissent was the avowed occasion of all these extraordinary proceedings. At the next meeting of parliament, however, on the 23d of February, 1456, the king appearing personally, exonerated the protector from the duties of his office ‡: for such was the mild phrase by which he was deprived of its high powers.

* Fenn's Letters.

† "Ipso domino rege in camerâ depictâ regali solio residente." Rot. Parl. v. 278.

‡ Rymer, xi. 373. Rot. Parl. v. 321.

Whatever degree of convalescence Henry had attained, the only effect of his apparent resumption of authority was the transfer of the custody of the royal person from the protector to the queen. She it was who probably contrived the dismissal of York, by which she mainly profited; yet the change was so pacific, and the acquiescence in it so general, that the protector and the parliament must have been considerably influenced by the appearances of sanity in the very perplexing case of a man whose best health was scarcely more than a shade above total disability. Few men appear to have fallen into a more hopeless state of childishness and oblivion than this unfortunate prince. "Blessed be God," says a contemporary in 1455, "the king is well amended: on Monday the queen came to him, and brought my lord prince with her; and then he asked what the prince's name was, and the queen told him Edward, and then he held up his hands, and thanked God for it; he said he never knew till that time, nor wist not what was said to him, nor wist not where he had been since he was sick." * The secret history of the election for the parliament of 1455 affords some curious proofs of the solicitude of the lords to acquire an ascendant in an assembly which was waxing stronger. The duke of York, and Mowbray duke of Norfolk, had an interview at St. Edmund's Bury, to settle the election. † The names of the candidates favoured by these lords were written on strips of paper, which were distributed among their yeomanry. The duchess of Norfolk also desired the votes of her friends for John Howard and sir Roger Chamberlain, to be knights of the shire, "it being thought right necessary for divers causes that my lord have at this time in the parliament such persons as belong unto him, and be of his menial servants." ‡ These practices are spoken of familiarly, as if they were the old and general custom, of which no man then living remembered the origin, or censured the observance. Probably in very early times,

* Fenn, i. 80. † October, 1455. Fenn, i. 98.

‡ i. e. bred in his service, which any gentleman might have been. Fenn, i. 96.

when the commons were less independent, such interpositions were more open and violent.

For three years after the removal of York, the parties rested on their arms, angrily watching each other, and lying in wait for specious pretexts or promising opportunities of crushing their adversaries. It was during this period that the whole people seems gradually to have arrayed themselves as Yorkists or Lancastrians. The rancour of party was exasperated by confinement to narrow circles and petty districts. Feuds began to become hereditary; and the heirs of the lords slaughtered at St. Alban's regarded the pursuit of revenge as essential to the honour of their families, and as a pious office due to the memory of their ancestors. The delay in an appeal to arms was doubtless partly owing to the formal and wary character of the duke of York, who was solicitous to combine the substance of power with the appearance of law; and who, though a popular candidate for supreme authority, was still withheld by prudence and principle from the bold strokes which often place a more daring ambition between a scaffold and a throne. York and the Nevilles, who were his mainstay, unable to face the revolution at court, made their escape to their domains and fastnesses in the north.

In the beginning of 1458, the queen required the attendance of the Yorkist lords in London to go through the vain ceremony of an ostentatious reconciliation with the Lancastrian chiefs. They entered the capital at the head of their respective bands of military retainers, with which each of them garrisoned his dwelling-house, and after an exchange of professions of forgiveness and promises of kindness, by which neither party was deceived, the disaffected Yorkists returned to their castles. During their unwilling residence in London, the trained bands of the city, amounting to 10,000, and the active vigilance of Godfrey Boleyn the mayor, were unequal to the task of restraining the undisciplined licentiousness of the fierce soldiery, who were now encamped in the capital. Under pretence of tumults existing in London, and of

the importance of a journey for the restoration of her husband's health, Margaret, who knew the attachment of the Londoners to the house of York, led Henry with her to Coventry, where they, or rather she, held their residence.

The queen, soon after having brought her husband to Coventry in 1458, invited the duke of York and the Nevilles to join in the king's sports of hawking and hunting in Warwickshire. Either on their journey, or immediately after their arrival, they received a seasonable warning of Margaret's project for luring them into Coventry, where she purposed to destroy them. They fled once more to the seats of their strength; but the detection of so foul a scheme of faithless murder banished the little remains of faith and mercy from the sequel of the war. The duke returned to his castle of Wigmore, the ancient seat of the Mortimers. Salisbury went to Middleham in Yorkshire; and Warwick to his government of Calais, "then," says Comines, "considered as the most advantageous appointment at the disposal of any Christian prince, and that which placed the most considerable force at the disposal of the governor." "But," says an ancient chronicler *, "although the bodies of these noble persons were thus separated asunder by artifice, yet their hearts were united and coupled in one." They planned a junction. Salisbury began his march to join York, and proceeded towards London, in order to rouse the Yorkists of the capital, while the duke remained on the Welsh border to recruit his army. With a force of only 5000 men, Salisbury, before he could effect the junctions, encountered double that number under the command of lord Audley, whom Margaret had despatched to intercept his march. They met on the 23d of September, 1459, at Blore Heath, about a mile from Drayton, on the confines of Shropshire, where Audley was slain and his army defeated. Salisbury joined York at Ludlow; and fortune

* Hall.

seemed to smile on the ambition of the respectable pretender to the throne.

One of the most singular reverses of civil war, however, soon ensued: the combined Yorkists now advanced to attack the queen's camp, but with the strongest protestations of loyalty, and "with the intent to remove from the king such persons as they thought enemies to the common weal of England." The earl of Warwick had found means to join his friends from Calais with a considerable body, commanded by sir Andrew Trollop, a soldier of reputation, but suspected of secret disaffection to the house of York. The onset was made on the 12th of October, 1459, near Ludlow: the duke appears to have carried his language of loyalty and submission so far as to dishearten his followers, who ascribed it to despondency. The king, or rather the queen, made the largest offers of pardon and amnesty. Trollop, whether from loyalty or inconstancy, or yielding to baser temptations, deserted with his detachment in the night; and Richard himself employed the perilous stratagem of spreading a report that the king was dead, which elated his troops for a moment, but, as soon as its falsehood was known, so struck down their spirit, that they no longer offered any resistance. The duke of York and his sons made their escape through Wales into Ireland, where his influence was great. The Nevilles took refuge on the continent.

A parliament was holden in the abbey of St. Mary's at Coventry, of which the principal business was to attaint the duke of York and his adherents of treason.* The acts of this parliament were afterwards determined to be void, on the ground that the electors were unduly influenced, and many nominated by the crown without any form of election †; but another sudden turn of for-

* Rot. Parl. v. 345.

† "A great part of the knights of shires, citizens, and burgesses were named and returned, some of them without due and free election, and some of them without any election, against the course of your laws and the liberties of the comunes of this your land." See also Statutes of the Realm, ii. 378. Parl. holden at London, Oct. 7. 1460; last statute of Hen. 6.

tune was at hand. The duke of York prepared to land with Irish auxiliaries, and was joined by many Welsh. Warwick, who had preserved his important government of Calais, landed in Kent and entered London amidst the acclamations of the people. He advanced to meet the queen's army, which he encountered near Northampton, and defeated with great slaughter, especially with that carnage among the chiefs which was so constant in this war. The king remained inactive in a tent during a contest which, with respect to him, could determine nothing but which of the factions were to possess themselves of his body, and to use his name as the tool of their ambition. He was treated by the victors, in all other respects, with the outward formalities of obsequious politeness. A parliament which assembled at Westminster on the 2d of October, 1460, annulled at a blow all the proceedings of the late pretended parliament at Coventry. * A few days after the meeting of parliament, Richard duke of York made his entry into London, with a sword borne naked before him, with trumpets sounding, and with a great train (or a small army) of men at arms. Having passed through the great hall of the palace, he went to the upper house, where the king and lords used to sit in parliament time, and stepping forward to the royal throne, laid his hand upon the cloth of estate, and seemed as if he were taking possession of that which was his right.† It is needless to cite the various narratives of the singular scene which followed, as they are described by our ancient historians, who seldom thought of searching the materials of their relation in original and authentic documents. We now know with certainty from the rolls of parliament ‡, the claim advanced by Richard, and the remarkable manner in which a claim so unusual was dealt with by the lords. On the 16th of October, 1460, the counsel of Richard duke of York brought into the parliament chamber a writing containing his

* Vide suprâ, p. 25. note.

† Holinshed. Hall.

‡ Rot. Parl. v. 375.

claim to the crown of England and France, with the lordship of Ireland. The chancellor put the question, whether such a paper could be read? It was resolved unanimously, "that inasmuch as every person, high or low, suing to this high court of parliament of right must be heard, and his petition understood; this writing must be read, though not answered without the king's commandment; for so much as the matter is so high, and of so great weight and poise." The substance of the claim was, that Richard, being the son of Anne Mortimer, daughter of Roger earl of March, the son and heir of Philippa, daughter of Lionel duke of Clarence, the third son of Edward III., is entitled to the crowns of England and France, before any of the progeny of John of Gaunt, who was the fourth son of Edward III. On the next day the lords waited on the king in a body. He commanded them to search for all matters which furnished an answer to this claim. They dutifully and courteously referred the question to the king's historical knowledge, whom they represented as well read in the chronicles. On the 18th, however, they directed the judges to attend, and required their advice in devising arguments for the king. The wary magistrates, in declining the hazardous honour, made answer, that they had to determine matters between party and party which come before them in the course of law, and in such matters they cannot be counsel; and as it has not been accustomed to call the justices to council in such matters, and especially as the matter was so high, and touched the king's estate and regality, which is above the law and passes their learning, therefore they durst not enter into any communication relating to it. The king's serjeants and attorney being desired to give an opinion, answered that, since the matter was so high that it passed the learning of the justices, it must needs exceed their learning. The lords, however, directed them as counsel for the king to draw up an answer to them. They urged the oaths of allegiance to the king, the acts of parliament

which establish or suppose his will, and the entail of the crown on the house of Lancaster; to which it was answered, that unlawful oaths are not binding, and that the statutes themselves are of no force against him that is right inheritor of the said crowns as it accorded with God's law and the law of nature.

The lords at length proposed a compromise, by which they imagined that the hereditary right of the duke might be preserved without breach of their own oaths of allegiance to the king; namely, that the king shall keep the crowns and dignity royal during his life, and that the duke and his heirs should succeed to him in the same, which, as the duke's title cannot be defeated, was the sole means of saving the oaths made to Henry, and clearing the consciences of the lords who had taken them.* The infant prince of Wales was passed over in silence, and it was tacitly assumed that an oath of allegiance does not in a hereditary monarchy imply the duty of allegiance to the legal successor. These and other irregularities or subtleties were almost inseparable from the nature of a political compromise, and were willingly and very reasonably sacrificed to the hope of establishing the public quiet. Although it must be owned that the attachment of London to the duke, and the force by which that prince maintained his claims, contributed largely to the success of the treaty; yet it is equally indisputable that the submission, even apparent, of the king and the duke to the judgment of parliament, concerning the claims of possession of or succession to the throne, must have raised the authority and dignity of that assembly in the estimation of the public more than perhaps any other occurrence. The powers of suppressing revolts, and of resisting adversaries from France or Scotland; or, in other words, the whole command over armed men, were vested in the duke.† To resist his authority, or to compass his death, was made treason; and so full was the transfer of the exercise of regal powers to him, that it

* Rot. Parl. v. 377. † Ib. 379.

was deemed necessary to declare, in express words, "that none of the lords or commons are bound to attend or assist him in any other form than they are now bound by law to do to the king."†

The duke of York, knowing how ill Margaret's spirit would brook such concessions, procured the king's commands, requiring her attendance and that of her son in London: but the warlike dame assembled a considerable army to rescue the king, and marched to the northern provinces, where Northumberland and Clifford joined her with their borderers. The duke of York committed the custody of the king to the duke of Norfolk and the earl of Warwick. He proceeded to his castle, near Wakefield, where his wisest counsellors advised him to remain till his son Edward earl of March should arrive at the head of the powerful succour which that young prince was leading to the help of his father. Whether York was actuated solely by the pride of prowess, and the impatience of inaction; or whether he was ensnared by his adversaries, who with pretended chivalry had challenged him to battle for one day, but attacked him on another, when many of his followers were foraging on the faith of the challenge; or whether we adopt the conjecture of some moderns, that the veteran commander was compelled to quit his strong hold by want of provisions to hold out a siege, it is at least certain that, on the last day of the year 1460, he had no sooner marched with his scanty force into Wakefield Green, where he was exposed to attack on every point, than troops, placed by Margaret in ambush around the green, burst upon him from all sides, and threw his troops into such a state of confusion and panic, that, within half an hour of the onset, they were totally defeated. Some writers tell us, that, being taken prisoner, York was put to death with deliberate mockery. Those who represented him as killed in fight, add to their relation, that his inanimate remains were treated with the most brutal indignity; that his head,

* Rot. Parl. v. 383.

crowned with a paper diadem, and after the fierce Margaret had glutted her eyes with the sight, was nailed to one of the gates of the city of York. In the pursuit, Clifford, a furious Lancastrian, whose father had perished in the slaughter at St. Alban's, overtook a handsome stripling of twelve years old, clad in princely apparel, whom his preceptor, a venerable priest, faithful to the last, was conducting from the bloody field, in hopes of shelter in the town. Clifford, surprised at the dress of the boy, loudly asked, "Who is he?" The unconscious youth fell on his knees, and implored mercy. "Save him," cried the aged tutor; "he is the son of a prince, and may peradventure do you good hereafter." Clifford shouted, "The son of York! thy father slew mine, I will slay thee and all thy kin." He plunged a dagger into the heart of the stripling. The earl of Salisbury, with twelve other Yorkist chiefs, was on the next day, with some ceremony, executed at Pomfret; a circumstance which somewhat confirms the relation of those who describe York as being killed in the heat of action; for, had he survived it, it is probable that his execution would have been reserved for the bloody ceremonial of Pomfret.

Almost all the historians who have transmitted accounts of the duke of York, lived under the rule of his enemies; yet, through their narratives, we must see how faithfully and how long he served his competitor. We discern his mild and courteous demeanour to the king when vanquished; we are obliged to consider the long life of that unhappy prince as some proof of the conqueror's humanity, and we shall find it hard to point out another ruler of the middle age, who, though he fought his way to the throne, has left a name spotted with fewer atrocities.

Edward earl of March, now duke of York, who inherited all the rights and pretensions of his family, heard at Gloucester of the death of his father, of the revenge taken on his innocent brother, and of the more formal butchery of his most important friends. Being sup-

ported by the Welsh borderers, whose attachment to the house of Mortimer was unextinguished, he was about to march against Margaret and the murderers of his father, at the head of an army of 23,000 men; but the earls of Pembroke and Ormond, with a formidable force of Welsh and Irish, hung on his rear. He turned upon them, and brought them to battle at Mortimer's Cross, a little eastward of Hereford, on the 2d of February, 1461, where he defeated and dispersed them. They are said to have left dead on the field 3800 men. The earls of Pembroke and Ormond escaped; but sir Owen Tudor, the husband of the queen dowager of France, was with other Welsh chiefs beheaded on the next day at Hereford. The queen marched southward, at the head of an army which had been successful at Wakefield. The approach of these bands of rude and lawless mountaineers was dreaded by the people of the capital, who expected universal pillage, outrage, and destruction. "Here, every one is willing to go with my lords*: and I hope God shall help them; for the people in the north rob and steal, and be appointed to pillage this country."† Margaret advanced towards London, having sharpened the appetite of her borderers by promising that she would give them the whole country south of Trent to be pillaged. Both parties once more met in battle at St. Alban's, on the 17th of February 1461: the Yorkists, under the duke of Norfolk and the earl of Warwick, brought with them the captive king; as dead an instrument in their hands as the royal standard, which the possession of his body seemingly warranted them to bear.

For a time the Yorkists or southern men seem to have been successful; but a confused scuffle in the streets of St. Alban's, and a more serious engagement in the plain to the northward, ended in the success of the Lancastrians. The lords who surrounded the king, and, as his gaolers, were probably more odious than the rest, changed the discomfiture into a defeat, by providing somewhat

* The earl of Warwick, &c.
† Fenn, i. 202. Clement Pastor to his brother John, Jan. 23. 1461.

prematurely for their own escape. Lord Bonville and sir John Kyriell only stayed to console the unhappy pageant, trusting to the king's word, which had been pledged for their safety. They soon learned the folly of trusting in kings; for the first use of victory made by Margaret was to command that both these gentlemen should be beheaded; or, according to other narratives, the execution of these generous men was her last act of power when on the eve of her northern march. Henry expressed, and perhaps felt, some gratification at once more embracing his wife and son after so long a separation. The northerns began to plunder the suburbs of London; but were repulsed by the inhabitants, who hated more than they feared the plunderers. A deputation of aldermen were ordered to repair to Barnet to conduct the royal family to the metropolis; but all these measures were broken by the march of Edward of York to the aid of London, which was always devoted to his family. "Little trusting Essex, and less Kent, but London least of all, she (the queen) departed from St. Alban's to the north country, where the root of her power was."*

Meanwhile Edward and Warwick entered the metropolis amidst the applause of the people of the city and of the surrounding countries. Edward laid his claim before a council of lords, on the 2d of March, 1461, charging Henry with breaking the agreement which the lords had negotiated, by his presence in the enemies' camp; and alleging that he was altogether incapable of performing the duties of sovereign power. In the afternoon an immense multitude were assembled in St. John's Fields, and, having heard the statement of Edward's claim made by lord Falconbridge, were asked by that nobleman "whether they would love and obey Edward earl of March as their sovereign lord." They answered, "Yea, yea," crying "King Edward!" with shouts and clapping of hands. On the next day, being the 4th of March, he was proclaimed by the style of

* Hall, 253.

Edward IV. With such a tumultuary imitation of the most extreme democracy, was accomplished the choice or recognition of a monarch, whose title could only be justified by the adoption of the most extravagant notions, not only of hereditary, but of indefeasible and even of divine right. If speculative opinions ever exercise much influence over the conduct of men, it might be expected that such influence would be greatest in the weightier concerns of life, were it not that on these occasions the most powerful of human passions are most strongly excited; that they impel the ambitious to choose the expedient most effectual at the instant, however discordant with their opinions, and to make any sacrifice of consistency, if the ruling passion be thereby enabled to grasp its immediate object.

Edward, one of the few voluptuaries who never lost their activity and vigilance, pursued his enemies into the north, and deferred the vain ceremony of a coronation till after his success and his return. On the 12th of March, 1461, he began his march, having sent lord Fitzwalter before to secure the pass of Ferrybridge, on the river Aire in Yorkshire. Somerset, Northumberland, and Clifford, the commanders of the Lancastrian army, left Henry, Margaret, and the young prince, at York: they themselves resolved to recover Ferrybridge; and Clifford, about the 27th of March, accomplished that object. Such, say the annalists, were his deeds of savage revenge, that no man shared his anger or pitied his fall. On the 29th (the eve of Palm Sunday), after proclamations had been issued on both sides forbidding quarter, the two armies came within view of each other near Towton, a village about eight miles from York. Their numbers were greater than had hitherto met in this civil war; the Lancastrian army being computed to contain 60,000 men, and that of Edward to consist of about 40,000.

Edward resolved to attempt the recovery of the pass on the next day; and, if we may believe some writers, he only published the proclamation against quarter be-

cause he deemed his inferiority of numbers a justification of that barbarous menace. Warwick, in despair at the loss of so good a position, rode up to Edward, and, dismounting, shooting his own horse through the head as a signal for an attack which admitted no retreat, called aloud, "Sir, God have mercy on their souls who for love of you in the beginning of their enterprise have lost their lives. Yet let him flee who will flee: by this cross (kissing the hilt of his sword) I will stand by him who will stand by me!" During a constant succession of irregular skirmishes which made up this fierce battle, it was found impossible to cross the river at Ferrybridge; but a fresh body of troops was brought to the aid of Edward by the duke of Norfolk, who found means to pass the river at Castleford about three miles above, and thereby turned the flank of the enemy, which was commanded by Clifford, memorable for the ferocity with which he avenged his father's death. For ten hours on Palm Sunday the battle was continued with valour and rage: at length the northern army gave way, after having left dead the earl of Northumberland and lord Clifford, with about 20,000 men.* On Monday, Edward entered York triumphantly, but not until he had taken down from the gates the head and limbs of his father, trophies worthy of cannibals. The sight of them so incensed him, that he gave immediate orders for beheading Courtenay earl of Devonshire, with three of his fellow-commanders, that their heads might replace that of his father. In the three days of the battle of Towton, 37,000 Englishmen are said to have fallen on both sides. Margaret fled with Henry and the prince towards Scotland, followed by several of her most important adherents. Henry was left at Kircudbright with four attendants; Margaret went to Edinburgh with her son; and we still possess a list of about twenty-five refugees of some distinction who accompanied her. Among these was sir John Fortescue, the celebrated instructor of Henry's son, and sir Edmund Hampden, whose name

* Fenn, i. 219.

is now so inseparably connected with events auspicious to liberty, that we naturally expect to find it among the champions of a parliamentary establishment against the partisans of hereditary right. The important fortress of Berwick was ceded by Henry to the king of Scots as the price of succour. Margaret went to France to levy recruits and to obtain allies; but she found Louis XI. fully occupied with preparations for the contest with his vassals and subjects, known under the name of "the war of the public good."

On Edward's return to London after the victory of Towton, he was crowned on the 22d of June, 1461. He called together a parliament on the 4th of November in that year, which, by confirming all the judicial acts, creations of nobility, and most other public proceedings in the time of Henry IV., Henry V., and Henry VI., "late in fact, but not of right, kings of England *," branded an establishment of half a century with illegality, and first introduced into English law a dangerous distinction, pregnant with those evils from a disputed title which hereditary monarchy can only be justified by its tendency to prevent.

When parliaments at this time were at leisure from their usual occupation of raising up or deposing sovereigns, they applied themselves very diligently to regulate commerce. It is hard to say whether the regulations which they proposed more betray their strong sense of the rising importance of trade, or their gross ignorance of its true nature, and of the only effectual means of promoting it. The importation of foreign corn was prohibited, because it ruined the people by making their food cheap; and foreign manufactures were forbidden wherever the like articles could be produced at home; a similar disregard being shown in both cases to the interest of the body of the people who consumed food, and who wore clothes. But the same astonishing errors still pervert the judgment of perhaps the majority; and we must not blame the parliaments of the fifteenth century,

* Statutes of the Realm, ii. 380. 1 Edw. 4. c. 1. A. D. 1461.

for prejudices which to this day taint the statutes of the nineteenth.

After passing two years in suits for aid in France, Margaret returned to Scotland with only 500 French troops, which enabled her to make an inroad into England at the head of Scottish borderers, always easily collected for such a purpose. After several indecisive skirmishes, lord Montacute, the commander of Edward's forces, completely routed the Lancastrians near Hexham in Northumberland, on the 17th of May, 1464. The duke of Somerset, their commander, was beheaded on the spot; twenty-five gentlemen of his band, with little more form of law, were executed at York. Henry escaped by the speed of his horse: but some of his attendants were recognised by the horses' trappings of blue velvet. One of the prisoners bore the unhappy prince's helmet. His high cap of estate, garnished with two rich crowns, was in a few days presented to Edward at York, as being a part of the personal spoils of his competitor. Henry, with a few chiefs, long hid themselves in the caves which are to be found in the mountainous districts of Yorkshire, Westmoreland, and Cumberland. The earl of Kent was taken in Redesdale, and lost his head by the axe at Newcastle: sir Humphrey Neville, who lurked in a cave in Holderness, was beheaded at York. Edward spilt the blood of his opponents with wanton prodigality, while he squandered honours and estates with a lavish hand among his adherents. France and Scotland, yielding to his ascendant, made advances of reconciliation to him. Margaret found a refuge for herself and her son among the powerful vassals of France; but the condition of her wretched husband in Scotland became more precarious: he feared the secret intercourse of Edward with the king of Scots. He secreted himself in the borders, where the doubtful jurisdiction, the wild life of the borderers, and their very precarious allegiance, afforded him facilities for sudden and rapid escape. Either misled by Edward's spies, and unacquainted with the boundaries, or despairing of se-

curity in Scotland, or perhaps in one of his fits of idiotcy, Henry threw himself into England, where, from authentic documents, it appears that while sitting at one of his few and troubled meals at Waddington Hall in Lancashire, he was detected by sir James Harrington, the testimony of whose infamy is perpetuated by the grant of large estates, the bitter fruits of confiscation, which this man of rank and wealth did not disdain to accept as the price of his treachery to a helpless suppliant.*

After the battle of Hexham and the capture of Henry (25th May, 1464), that prince was led prisoner, no longer with any pretence of state or show of liberty; for Edward's parliament had attainted him, with the queen and prince Edward, for no other crime than that of asserting rights which the whole nation had long recognised. Neville earl of Warwick, a man distinguished by all the good and bad qualities which shine with most lustre in a barbarous age, who had been left in command at London by Edward, made his late sovereign taste all the bitterness of proscription. He placed the deposed king on a horse, under whose belly his feet were fastened, and in that condition led him through Cheapside to the Tower, where he was now received and treated as a prisoner.

Margaret made her escape through Scotland into France with her son and his famous preceptor, sir John Fortescue. During his exile, this learned person had an opportunity of making many of the remarks on the difference between a despotic and a limited monarchy, as exemplified in France and England, which demonstrate that these opposite systems had even then made a visible and deep impression on the condition and character of neighbouring and kindred, though frequently adverse, nations.

In the mean time Edward applied himself to public affairs with his characteristic vigour. According to the maxim of Machiavel, he made a terrific slaughter of his

* Rymer, xi. 548.

enemies in the first moment of victory; and, in his subsequent administration, treated the vanquished party with a politic parade of seasonable clemency. He was well qualified by beauty and valour to inspire love, and in its lower sense he was prone to feel it. For a time he revelled in the licentious gratifications which were open to a young, handsome, and victorious king. Princesses of Castile, and of Scotland, had already, however, been spoken of as likely to be wedded by him. The earl of Warwick had been authorised to negotiate with Louis XI. for the marriage of his sister-in-law, the princess Bonne of Savoy, afterwards duchess of Milan, to the king of England.* An incident occurred which disturbed these projects of high alliance, and contributed to revive the troubles which seemed ready to expire. In the year 1464, when Edward was hunting in the forest of Grafton, near Stony Stratford, he casually met a young lady, by whose attractions his susceptible temperament was instantly affected. She was the daughter of Jacquetta of Luxemburg, duchess dowager of Bedford, by her second husband sir Richard Woodville, a private gentleman, who, soon after this adventure, was created earl Rivers. The young lady herself, Elizabeth Woodville, youthful as she was, had before been married to sir Thomas Gray, who fell in the Lancasterian army at the second battle of Barnet. Whether these obstacles served to stimulate Edward's passion, or whether he was charmed by her composed demeanour, her graceful form, her "pregnant wit," and her "eloquent tongue;" for her countenance is said to have been not beautiful: certain it is, that when dame Elizabeth made a humble suit to the king, she prevailed more rapidly than other suitors. The manners of Edward were so dissolute as to countenance a rumour that he tried every means of seduction before he offered his hand and crown to her. Even though we should without just ground refuse the praise of unmingled virtue to her resistance, still it would not lose its right to be accounted virtue, by calling to its aid the dic-

* Rymer, xi. 523, &c. April 24. 1464.

tates of a commendable prudence and of an honourable ambition. From whatever motive, or mixture of motives, she acted, she was, in fact, steady in her rejection of illicit union. The king at length consented to a private marriage, which was solemnised at Grafton on the 1st of May, 1464. The bride and bridegroom, a priest, a chanter, two gentlemen, and the duchess of Bedford, were the only persons present at the solemnity. The king, after remaining a short time, returned to Stony Stratford, where he went to bed, affecting to have been occupied by the chase during the night. He speedily imparted his secret to sir Richard Woodville, but contented himself with secret and stolen visits to his bride. She was acknowledged at Michaelmas, and crowned with all due splendor on Ascension-day of the following year. This union displeased the powerful and haughty Warwick, who did not easily brook the rupture which it occasioned of the negotiation for marriage with the princess Bonne in which he had been employed. He blamed, with reason, the levity with which Edward incurred the resentment of those powerful princes by alliance with whose families he, in his wiser moments, sought to strengthen himself. The sudden elevation of the queen's family to office and honour awakened the jealousy of the nobility, and especially of Warwick, who received the alarming name of the *king-maker*, and might be impelled by his quick resentment and offended pride to prove that he could pull down as well as set up kings. His means of good and harm were most extensive. To the earldoms of Warwick and Salisbury, with the lands of the Spencers, he added the offices of great chamberlain and high admiral, together with the government of Calais, and the lord lieutenancy of Ireland. The income of his offices is said by Comines to have amounted to eighty thousand crowns by the year, besides the immense revenue or advantage derived from his patrimony.* Not satisfied with these resources, he accepted a secret pension and gratuities from Louis XI., of which the exposure

* Comines, liv. iii. c. 4. : i. 148. édition de L'Englet Dufresnoy, 4to. 1747.

bares the mean heart that often lurked beneath knightly armour *. Perhaps the report of this dishonourable correspondence might have alarmed Edward; while Warwick † might consider his patrimonial estate as in some danger from the rapacity of the upstart Woodvilles. In the year 1469, Warwick gave no small token of estrangement by wedding his daughter to George duke of Clarence, Edward's brother, without the permission, probably without the knowledge, of that monarch. After several jars, followed by formal and superficial reconciliations, Warwick broke out into open revolt against Edward, which gave rise to two years of more inconstancy and giddiness, more vicissitudes in the fortune and connection of individuals, and more unexpected revolutions in government, than any other equal space of time in the history of England. About the beginning of that time the men of Yorkshire, under the command of Robin of Redesdale, a hero among the moss troopers of the border, took the field to the amount of 60,000 men. Their manifesto complained of the influence of evil counsellors over the king, and of other matters more likely to be suggested by barons than by boors. These insurgents were checked by Neville earl of Northumberland; but they were dealt with so leniently by that nobleman as to strengthen the suspicion that the discontents of the Nevilles had ripened into projects of rebellion. Warwick, too, was deeply suspected of being inactive only till he was armed. It was about this time (26th of July, 1469), that the revolters, after being defeated in an imprudent attack on the royalists at Edgecote, were finally dispersed. It seems to have been the last heave of the earth before the wide-spread earthquake. The execution of two Woodvilles, father and son, favourites of the king, yet put to death by the victorious army, seemed to indicate that some of the leaders against the peasants were ill-affected to the court. The duke of Clarence and the earl of Warwick returned

* Note on Comines, i. 149.

† He was sent minister to France, Burgundy, and Britany, immediately after Edward's marriage, perhaps with the double purpose of soothing his anger and abating his personal influence. — *Rymer*, xi. 541, 542.

from Calais, apparently obeying the king's summons, and supporting his cause. It appears from the records*, that between the 17th and the 27th of August, 1469, several feigned reconciliations were effected, which were terminated by a royal declaration against Clarence and Warwick as rebels. The remaining part of our information does not flow from so pure a source, and is indeed both scanty and perplexed. Clarence and Warwick were at length compelled to quit England; and under specious pretences, were refused permission to land at Calais by Vauclere the lieutenant of that fortress, a wary officer, who was desirous to retain the liberty of finally adhering to the successful.† Louis XI. now openly espoused the cause of these malecontent barons. Under his mediation, Margaret and Warwick, so long mortal enemies, were really reconciled to each other by their common hatred of the king of England, and concluded a treaty, by which it was stipulated that prince Edward should espouse Anne Neville, Warwick's daughter; that they should join their forces to restore Henry; and that, in failure of issue by the prince, the crown should devolve on Clarence. Meanwhile, Edward seems to have been seized with an unwonted fit of supineness. He lingered while he was beset with revolts.‡ His only exertion, that of going to Northumberland, where the borderers now favoured their new masters, the Nevilles, more than their ancient lords of the house of Percy, was more pernicious than inaction, by placing him so far from the capital that the fate of the kingdom must be determined before he learned the existence of the danger. The approach of Warwick shook the fidelity of the troops; and Edward was compelled to make his escape to Holland. Warwick, by the aid of Clarence, and under the name of Henry, resumed the supreme power.§ Edward, by the connivance of the duke of Burgundy, collected a body of Flemings and Dutchmen,

* Rymer, xi. 447—461. † Monstrelet. Comines, iii. 4.

‡ Fenn, i. 49.

§ A parliament was as usual called, of which some of the proceedings are to be found in Rymer, xi. 661—707. It confirmed the engagement between the prince and Warwick.

with whom he landed at the mouth of the Humber, on the 14th of March, 1471. His advance towards London obliged Henry's army, commanded by Warwick, to take a position at Barnet; where, on the 14th of April, a battle was fought, which proved much more important in its consequences than could have been conjectured from the small number of the slain, which on both sides is estimated by an eye-witness at no more than 1000. On Edward's side were killed the lords Cromwell and Say, with some gentlemen of the neighbouring country. The great event of the day was that Warwick, and his brother, Montague, were left dead on the field. By their death the greatness of the house of Neville was destroyed. Warwick is the most conspicuous personage of this disturbed reign; and the name of *king-maker*, given to him by the people, well expresses his love of turbulence for its own sake; his preference of the pleasures of displaying power to that of attaining specific objects of ambition; and his almost equal readiness to make or unmake any king, according to the capricious inclination or repugnancy of the moment.

Another contest still remained. The undaunted and unwearied Margaret had levied troops in France, at the head of which she landed at Weymouth on the very day of the battle of Barnet.* The first event of which she received tidings was the fatal battle. Her spirits were for an instant depressed. She sought sanctuary for herself and her son in the monastery of Beaulieu. But the bolder counsels of the Lancastrian lords who had escaped from Barnet resumed their wonted ascendant over her masculine mind. Pembroke had collected a considerable force in support of her cause in Wales. If she had been able to pass the Severn, and form a junction with him, there was still a probability of success; but the inhabitants of Gloucester had already fortified

* "Margaret is verily landed and her son in the west country, and I trow "that to-morrow or the next day King Edward will depart from hence to "norwards to drive her out again." — Letter of J. Paston to his mother, with an account of the battle of Barnet. — Fenn, ii. 67.

their bridge, and Edward had taken a position which commanded the pass of Tewkesbury.

On Saturday, the 14th of May, 1471, the battle of Tewkesbury concluded this sanguinary war. The defeat of the Lancastrians was complete. Courtenay earl of Devonshire, sir Edmund Hampden, and about 3000 soldiers, were killed. On the next day the duke of Somerset and the prior of St. John were beheaded, after a summary trial before the constable and the marshal. Search was made, and reward offered, for prince Edward: he was taken prisoner, and brought before the king by sir Richard Crofts. The king said to him, "How dare you presumptuously enter into my realm with banner displayed?" Whereunto the prince answered, "To recover my father's kingdom and heritage, from his father and grandfather to him, and from him to me, lineally descended." At these words, Edward said nothing, but thrust the youth from him, or, as some say, "struck him with his gauntlet, when he was instantly put to death by the dukes of Clarence and Gloucester, lord Dorset and lord Hastings*;" a display of barbarous manners among persons of the highest dignity, which it would be hard to match among the most embruted savages. It must not, however, be forgotten, that it passed in the first heat and irritation of battle; that the nearest observers might have overlooked some circumstances, and confounded the order of others; and that the omission of a provoking look or gesture (to say nothing of words or deeds) might give a different colour to the event. Margaret and her son having been declared rebels by the king a few days † before the battle of Tewkesbury, the barbarous chiefs might have deemed the assassination of the prince as little differing from the execution of a sentence; and instead of remorse for that deed, they perhaps thought that by sparing Margaret they had earned the praise of knightly generosity.

Shortly after Edward's victorious return, Henry VI. breathed his last in the Tower, where much of his life

* Holinshed, iii. 320. † Rymer, xi. 709.

had been passed as a pageant of state, and another large portion of it as a prisoner of war. He is generally stated by historians to have died by violence; and the odium of the bloody deed has chiefly fallen upon Richard duke of Gloucester. The proof of the fact, however, is disproportioned to the atrocity of the accusation. Many temptations and provocations to destroy him had occurred in a secret imprisonment of nearly ten years. It is rather improbable that those who through so many scenes of blood had spared "the meek usurper's hoary head," should, at last, with so small advantage, incur the odium of destroying a prince who seems to have been dear to the people for no other quality but the regular observance of petty superstitions. He was as void of manly as of kingly virtues. No station can be named for which he was fitted but that of a weak and ignorant lay brother in a monastery. Our compassion for the misfortunes of such a person would hardly go beyond the boundary of instinctive pity, if an extraordinary provision had not been made by nature to strengthen the social affections. We are so framed to feel as if all harmlessness arose from a pure and gentle mind; and something of the beauty of intentional goodness is lent to those who only want the power of doing ill. The term innocence is ambiguously employed for impotence and abstinence. A man in a station such as that of a king, which is generally surrounded with power and dignity, is apt to be considered as deliberately abstaining from evil when he inflicts none, although he be really withheld, as in the case of Henry, by an incapacity to do either good or harm. Nature, by an illusion more general and more momentous, benevolently beguiles us into a tenderness for the beings who most need it, inspiring us with the fond imagination that the innocence of children is the beautiful result of mature reason and virtue; — a sentiment partaking of the same nature with the feelings which dispose the good man to be merciful to his beast.

The war with France which followed the civil wars

was attended with no memorable events, and it was closed by the treaty of Pecquigny, in 1475, by which provision was made for large payments of money to Edward, and for the marriage of the dauphin with his eldest daughter. Margaret of Anjou was set at liberty on payment of 50,000 crowns by Louis. She survived her deliverance about seven years, during which, having no longer any instruments or objects of ambition, she lived quietly in France. The earl of Richmond the grandson, and the earl of Pembroke the second son, of Catherine of France by Owen Tudor, took refuge from the persecution of the Yorkists at the court of Britany. By the marriage of Edmund Tudor earl of Richmond with Margaret Beaufort the last legitimate descendant of John of Gaunt's union with Catherine Swinford, Henry earl of Richmond, the surviving son of that marriage, was the only Lancastrian pretender to the crown.

The quarrel of Edward with his brother the duke of Clarence; the share of the latter in Warwick's defection; and the levity which led him to atone for his desertion of Edward by another desertion from Warwick, have already been related summarily. The reconciliation, probably superficial from the first, gave way to the collisions of the interests and passions of the princes of the royal race, at a period when the order of inheritance was so often interrupted. The final rupture is said to have been produced by a singular incident. Thomas Burdett, a man of ancient family in the county of Warwick, one of the gentlemen of Clarence's bedchamber, is said to have had a favourite buck in his park at Harrow, which the king, when sporting there, chanced to kill. Burdett, as we are told, in the first transports of his rage, declared that he "wished the horns in the belly of him who killed it." It is not known whether this was more than a hasty expression, or even whether Burdett then knew the king to be the killer. He was, however, immediately imprisoned, and very summarily put to death. Clarence, who had spoken angrily of the execution of his friend, was attainted of treason for his hasty language, and of sorcery to give

to Burdett's expression the dire character of necromantic imprecation. The commons importuned the king to give orders for his brother's execution; an act of baseness not easily surpassed. The king had some repugnance to the public execution of a prince. Clarence was accordingly privately put to death; and the prevalent rumour was, that he was drowned in a butt of malmsey; a sort of murder not indeed substantiated by proof *, but very characteristic of that frolicsome and festive cruelty which Edward practised in common with other young and victorious tyrants.

Some incidents in the lives of individuals open a more clear view into the state of England during this calamitous period, than public documents or general history can supply: among these may be numbered the romantic tale of the shepherd lord Clifford. The reader already knows that the Cliffords, a martial and potent race of the northern borders, afterwards earls of Cumberland, had embraced the Lancastrian cause with all the rancour of hereditary feud. John lord Clifford was killed at the battle of St. Alban's by Richard duke of York. At the battle of Wakefield, another John lord Clifford revenged the death of his father by the destruction of the young earl of Rutland, that duke's eldest son; to say nothing of the slaughter which procured for him in that action the name of "the butcher." At the battle of Towton this interchange of barbarous revenge was closed by the death of lord Clifford and the disappearance of his children. Henry his eldest son was then only seven years of age. But lady Clifford, the mother, eluded the rigorous enquiry which was made for the children. She then resided at Lonesborough in Yorkshire, where she placed her eldest son under the care of a shepherd who had married his nurse. The boy was trained in a shepherd's clothing and habits. Sometime after, however, on a rumour prevailing that he was still alive, the court renewed the jealous search, and his mother removed the faithful shepherd with his family

* "Factum est id, qualecunque erat, genus supplicii." — Hist. of Crayland, 562.: a passage which, by mysterious allusion to an unusual sort of death, seems favourable to the common narrative.

to Cumberland, where he dwelt sometimes on the debateable ground, at other times at Threlkield, near the seat of her second husband. At that place she privately visited her beloved child. On the accession of Henry VII., at the age of thirty-one, he was restored to the honours and estates of his family. Every part of his life was so well fitted to his outward station, that he was not taught to read, and only learnt to write his name. He built the tower of Barden, which he made his residence by reason of its neighbourhood to the priory of Bolton; that he might converse with some of the canons of that house who were skilled in astronomy, for which his life as a lonely shepherd had inspired him with a singular affection. Amidst the beautiful scenery of Bolton, or in his tower of Barden, he is said to have passed the remainder of his days. His death occurred when he had reached his seventy-second year, after a life the greater part of which was was spent in the calm occupations of science and piety. He distinguished himself as a commander on the field of Flodden; and he was allied by marriage to the royal blood. It is hard to conceive any struggle more interesting than that of a jealous tyrant searching for infants whom, had he made them captives, he would have won the power of destroying, against the perseverance and ingenuity of a mother's affection employed in guarding her progeny from the vulture.*

Many of the long concealments and narrow escapes of Henry and his consort attest, like the story of lord Clifford, the condition of the borders, thinly peopled by predatory tribes, mixed with a few priests, and fugitives from justice, who had so little amicable intercourse with their neighbours, that kings and barons might long lie hidden among them undiscovered by their enemies.

The remainder of Edward's reign was chiefly em-

* "In him the savage virtue of his race,
Revenge, and all ferocious thoughts, were dead;
Nor did he change; but kept in lofty place
The wisdom which adversity had bred."
Wordsworth, ii. 155.

Dugdale, Whitaker's Craven, &c.

ployed in apparent preparations for renewing the pretensions of his predecessors to the crown of France, with no serious intention, as it should seem, to execute his threat; but in order to obtain money in various modes from Louis XI., from the house of commons, and by prerogative from the body of the nation. The senseless pursuit of aggrandisement in France was still popular in England. Parliament granted no subsidy so gladly as one for conquering France. The practice of raising money by what was called *benevolences* was rendered almost acceptable when it was to be applied for this national purpose. They had originally been voluntary contributions, for which the king applied to the wealthier of his subjects. The odium of refusal was so great, that they were gradually growing into a usage which would shortly have ranked with positive law.

The most dangerous of his objects in threatening France with war, was that of obtaining pensions from Louis XI. for himself and his ministers. That wily monarch thought the most effectual means of attaining his ends, whatever they might be, were to be always chosen, without regard to any other consideration. In the year 1475, a treaty had been concluded*, by which a present gratification of seventy-five thousand crowns, with an annuity of fifty thousand more were to be paid by Louis to Edward; and by which it was stipulated that the union was to be further cemented by the marriage of the dauphin with Edward's eldest daughter. It was impossible that this example should not be followed. Lord Hastings and the chancellor accepted pensions of two thousand crowns each. Twelve thousand more were distributed among the marquis of Dorset, the queen's son, the lords Howard and Cheyne, and other favourites. This pernicious expedient opened to the needy and prodigal prince immense means of supply, independent of grants from parliament, and which might even be easily concealed from that assembly. The territories of the crown might thus be alienated; the strongholds of the

* See page 45.

kingdom placed in the hands of foreigners; a door opened by which foreign armies might enter the kingdom to enslave it. To the pensions were added occasional gratuities to an amount scarcely credible. Lord Howard, within two years, received 24,000 crowns; lord Hastings, at the treaty of Pecquigny, received twelve dozen of gilt silver bowls, and twelve dozen not gilt; each of which weighed seventeen nobles. The receipts of the English politicians for these dangerous gifts were preserved in the public offices at Paris. At first, the permission of the crown was probably obtained: the ministers then might flatter themselves that, though they accepted the money, it was only to obey the commands and promote the policy of their master; but during an intercourse in which both parties must have learned to despise each other, it is impossible that the ministers should not be tempted to deal clandestinely with the foreign government, and finally, with however slow steps, that they should not slide into the miserable condition of its hireling agents. Lord Hastings, in these corrupt transactions, showed some glimmering of a sense of perverted and paradoxical honour. Cleret, the paymaster of the English ministers, after one of his payments, softly insinuated the propriety of a written acknowledgment. Hastings, without disputing Cleret's demand, answered, "Sir, this gift cometh from the liberal pleasure of the king your master, and not from my request: if it be his determinate will that I should have it, put it into my sleeve; if not, return it: for neither he nor you shall have it to brag that the lord chamberlain of England has been his pensioner." *

Louis postponed the marriage of the dauphin, with a view to an union with some heiress, whose territory might be united to the crown. Edward discovered at last that Louis was amusing him with vain promises: his death (9th April, 1483,) is ascribed by some to mortified ambition; by others, to one of those fits of debauchery which now succeeded the vices of youth, and

* Hollinshed, iii. 342.

which had already converted his elegant form and fine countenance into the bloated corpulence of depraved and premature age. Either cause of death suited his character, and might naturally have closed such a life: for the shortest and yet fullest account of his character is, that he yielded to the impulse of every passion. His ambition was as boundless as his revenge was fierce. Both these furious passions made him cruel, faithless, merciless, and lawless. Nothing restrained him in the pursuit of sensual gratification. He squandered on his mistresses the foreign bribes which were the price of his own dishonour. To fear and its abject train he was a stranger; but it can scarcely be said with truth that he was exempt from any other species of vice; unless we except avarice, which would have bridled him more than his impetuous appetites could have brooked. Sir Thomas More tells us, that his licentious amours rather raised than lowered his popularity, by inuring him to familiar intercourse with women of the middle class. The year before his death, he entertained the lord mayor and aldermen at Windsor, and distributed his presents of venison so liberally among them, "that nothing won more the hearts of the common people, who oftentimes esteem a little courtesy more than a great benefit."*

CHAP [illegible].

TO THE BA[illegible]E OF BOSWORTH.

EDWARD V. — RICHARD III.

1483—1485.

EDWARD [illegible]. nominally reigned over England for two months and thirteen days. His imaginary rule began and ended in his fourteenth year. In that brief space re[illegible]ions of government occurred of which not one was unstained by faithless, deliberate, and cruel murder; and it was closed by a dark and bloody scene, which has

* Holinshed.

become the subject of historical controversy rather as an exercise of paradoxical ingenuity than on account of any uncertainty respecting the events which occurred in the blood-stained summer of 1483.

Scarcely had the wars of the Roses been extinguished when new factions sprung up from the jealousy always felt towards court favourites by the ancient nobility. Such factions characterise the Plantagenet reigns, and more especially those of the princes of York, who, having long been subjects, continued their habits of intermarriage with subjects. Perhaps these dispositions gained some accession from the temperament and propensities of the amorous Edward, who, long after he had been notoriously unfaithful to the queen, continued to load her kindred with honours and wealth. Among the court or queen's party, the principal persons were, her accomplished brother earl Rivers, her sons by the first marriage, the marquess of Dorset and lord Richard Grey, and her brother-in-law lord Lyle. The noblemen who were the personal friends of the late king as well as the ancient adherents of the house of York, such as the lords Hastings, Stanley, and Howard, were jealous of the Woodvilles, and waited with impatience the appearance of two princes, who might balance that family of favourites; — Richard duke of Gloucester, who commanded in the war against Scotland, and Henry duke of Buckingham, the descendant of Thomas of Woodstock, the sixth son of Edward the third, who was then at his castle. Edward was at the time of his accession at Ludlow castle, in the hands of his mother's family. As soon as Richard learnt the tidings of his brother's death, he marched towards the south with all speed, in pursuance, as afterwards appeared, of a secret understanding with Hastings, who remained at court, and with Buckingham, who hastened with a body of adherents, professedly to join the king. Lord Rivers, lulled into security by the assurances and professions of the illustrious dukes, made haste to meet them with his royal charge. On the 29th of April, Edward V., accompanied

by the Woodvilles, had reached Stony Stratford, and on the same day the duke of Gloucester arrived at Northampton, ten miles distant. Lord Rivers immediately went to pay a compliment to the duke of Gloucester, and to receive his orders. They, together with Buckingham, who appears to have arrived the same day, remained at the latter town till next morning; and though the suspicions of lord Rivers were excited by the outlets of Northampton being guarded during the night, he professed to be satisfied with the explanation given of that circumstance. He and his brother rode in attendance on Gloucester and Buckingham, with every appearance of intimate friendship, to the entrance of Stony Stratford, where Gloucester accused Rivers and Grey of having taught the young monarch to distrust the protector. Rivers, who, as the historian tells us, was a well-spoken man, defended himself with his accustomed abilities; but as he could not prove that he was no obstacle to Richard's ambition, his defence was vain. "They took him and put him in ward." On being ushered into the presence of the king at Stony Stratford, they assured him that "the marquess his brother and Rivers his uncle had compassed to rule the king and the realm, and to subdue and destroy its noble blood." The unfortunate boy answered, with touching simplicity, "What my lord marquess may have done in London I cannot say; but I dare answer for my uncle Rivers and my brother here, that they be innocent of any such matter." The Woodvilles were instantly ordered to be conveyed to Pomfret castle. "Gloucester and Buckingham sent away from the king whom it pleased them, and set new servants about him, such as liked better them than him; at which dealing he wept, and was nothing content; but it booted not." On the advance to London, their purposes were evident to those whom they most concerned. The queen fled from her palace at Westminster at midnight, to take sanctuary in the adjoining abbey. The confusion and hurry with which her furniture was scattered over the floor by her af-

frighted attendants afford the best proof of the extent of their fears. "The queen herself," we are told, "sat alone on the rushes all desolated and dismayed." On the 4th of May, the day originally destined for the coronation, which from the evident influence of new purposes was now postponed to the 22d of June, the young prince was led by his uncle with due state into his capital.

Richard assumed the title of protector of the king and kingdom; a station for which the analogy of the constitution in a hereditary monarchy seemed to designate him. It seemed probable that Hastings and Stanley, the friends of Edward IV., began to show misgivings at the designs of Richard, especially after he had compelled the queen to surrender the duke of York to him, under the specious colour of lodging him with his elder brother in the royal palace of the Tower. On the 13th of June, a council was held in the Tower to regulate the approaching coronation; at which were present the lords Hastings and Stanley, together with several prelates. Richard, affecting an unwonted gaiety, desired the bishop of Ely to send for a dish of strawberries for breakfast. Retiring from council for almost an hour, he returned with his looks and gestures entirely altered, and with a sour and angry countenance, knitting his brows and gnawing his lips. After a short time he broke his sullen silence, by crying out, "Of what are they worthy who have compassed the death of me, the king's protector by nature as well as by law?" "To be punished," said Hastings, "as heinous traitors." "That is," replied the protector, still dissembling, "that sorceress my brother's wife, and her kindred." This reply was not ungrateful to Hastings, the mortal enemy of the Woodvilles, who said, "Heinous, indeed, if true." The protector, weary of dissimulation, cried aloud, "Yes! I will make good your answer upon your body, traitor, in spite of your ifs and ands." Then he clapped his fist on the board with a great rap, at which token a man who stood without the door cried out, Treason! Men in armour, as many as the apartment

could contain, entered into it. Richard said to Hastings, "I arrest thee, traitor!" Stanley and the other obnoxious lords were committed to various dungeons. The protector bade Hastings "to shrive (confess) himself apace; for by St. Paul I will not dine till I see thy head off!" "It booted him not to ask why? He took a priest at a venture, and made a short shrift; for the protector made haste to dinner, which he might not go to until they were done, for saving of his oath." He was brought down to the green by the chapel, and being laid on a long log of timber, which happened to be near, his head was struck off, without any form of trial or even specification of his pretended offence. Those who, after such deeds, could have doubted the dire designs of the merciless protector, must surely have relinquished their opinion, when they learned shortly after, that, on the very 13th of June which witnessed the murder of lord Hastings, a like scene was exhibited near the northern frontier of the kingdom. On that day, Radcliffe, one of Richard's emissaries, entering the castle of Pomfret at the head of a body of armed men, put Rivers and his friends to death, before a crowd of bystanders, with as little semblance of judicial proceeding as was vouchsafed to Hastings.

These horrible transactions, which in their general outlines are disputed by no writer, have been here related almost in the words of sir Thomas More, one of the few historians who had an opportunity of proving their abhorrence of falsehood, by choosing to suffer a death which the vulgar accounted ignominious, rather than to utter a lie. Had Richard perpetrated so many crimes for a less temptation than a crown; had he shrunk from the only deed of blood which was to render his former guilt profitable, he would have disappointed all reasonable expectation, by stopping short under such a load of criminality, when, by wading one step farther in blood, he might seat himself on the throne. His uncontested acts compel us to believe that he could not be withheld, by scruples of conscience or visitings of na-

ture, from seizing a sceptre which seemed within his grasp. An unbiassed reader, who has perused the narrative of his avowed deeds, will therefore learn with little surprise, but rather regard as the natural sequel of his previous policy, that Edward V. and Richard duke of York soon after silently disappeared from the Tower, and were generally believed to be murdered; that no inquest was made for their blood, or no show of public enquiry into the mysterious circumstances of their disappearance attempted. The mind of such a reader, without exacting further evidence, would gradually prepare him for the belief, that such a tale told of royal infants sufficiently proved their death to be a murder, and that the murder was commanded by those who reaped its fruit. None of the circumstances immediately following could tend to shake such a belief. On Monday, June 16th, three days after the murder of Hastings and the Woodvilles, the consent of the queen to the removal of Richard, her second son, to the Tower, from the sanctuary at Westminster, was extorted by the archbishop of Canterbury, under the pretext that he should not be in sanctuary among thieves and murderers, at the moment of so august and sacred a ceremony as his brother's coronation; although it be unquestionably certain that such a solemnity was, then at least, no longer intended. On the next day, the 17th of June, the last exercise of regal authority in the name of Edward V. appears, in the form of a commission to supply the royal household with provisions for six months.*

Meanwhile Richard, probably for the purpose of reviving the recollection of his brother's licentious manners, caused his subservient ecclesiastics to inflict penance on Jane Shore, the wife of an opulent citizen of London, who had been the beloved mistress of the late king. "Proper she was and fair," says sir Thomas More; "yet delighted not men so much in her beauty as in her pleasant behaviour; for a proper wit had she, and could both read well and write; ready and quick of answer;

* Rymer.

neither mute nor babbling. Many mistresses the king had, but her he loved; whose favour, to say the truth, she never abused to any man's hurt, but often employed to many a man's relief."* The cruel selection of such a person for ignominious punishment arose, probably, in part from her plebeian condition, and in part from her having become the paramour of Hastings, who, though enamoured of her in Edward's lifetime, had then so much respect for the taste of his master, as to abstain from nearer approaches to her. Having thus insulted the memory of his brother, and removed the friends of his nephews, Richard began openly to attack the title of the late king's children to the throne. The narrative of his conduct is full of confusion, and not exempt from inconsistency. If we measure his acts by a modern standard, some of them appear incredible; but where the more conspicuous facts are certain, however atrocious, we must not withhold our belief from the recital of particulars, because it partakes of the disorder and precipitation which are the natural companions of dark and bloody undertakings.

The first expedient employed by Richard to undermine the general belief in the legitimacy of his nephews was singularly at variance with modern manners and opinions. On Sunday, the 15th of June, 1483, he caused Shaw, a noted preacher, to deliver a sermon against the lawfulness of their birth, at Paul's Cross, a place of more than ordinary resort, in an age when preaching was chiefly confined to high festivals or peculiarly solemn occasions. This extraordinary attack on the title of the reigning prince, whose coronation had been appointed to be on that very day, is not preserved, and our accounts of its tenour do not perfectly agree. It appears, however, that the preacher's main argument was, that Edward IV. had contracted to wed, or had secretly wedded, lady Elinor Butler, before the marriage solemnised between that prince and Elizabeth Woodville; that the second marriage was void, and the issue of it illegiti-

* Sir T. More, in Holin. 384.

mate, on account of the alleged precontract or previous wedlock. Stillington, bishop of Bath, a profligate creature of the protector, declared that he had officiated at the former nuptials or espousals. To this was added, an odious and unjust imputation of infidelity against the duchess dowager of York, and of bastardy of her children, unless the sycophant chose expressly to except Richard. But if this aspersion was then thrown out, it perhaps flowed from the redundant zeal of the calumniator himself; for in the subsequent and more formal proceedings we find it dropped. The multiplicity of Edward's amours gave some credit to these rumours; and it was certainly possible that Stillington, a man very capable of being the minister of a prince's vices, may have been privy to intrigues, in which promises of marriage may have been employed as means of seduction.* Two days afterwards the duke of Buckingham harangued the citizens in the same strain with Shaw; and on the 25th of June that nobleman presented to Richard, in his mother's house at Baynard's Castle, a parchment, purporting to be a declaration of the three estates in favour of Richard, as the only legitimate prince of the house of York. But as the three estates who presented this scroll to the king were not then assembled in form of parliament†, it was deemed necessary at the next meeting of that assembly‡ to declare the marriage of Edward with Elizabeth to be void, on account of his precontract with lady Elinor; and therefore to pronounce that Richard "was and is veray and undoubted king of the realm of England; and that the inheritance of it, after his decease, shall rest in the heirs of his body." The infidelity of the duchess of York was deemed too gross, or the allegation of it by her son too monstrous, to be adverted to

* "Cet évêque mit en avant au Duc de Gloucester, que le roi Edouard, "étant fort amoureux d'une dame d'Angleterre, lui promit de l'épouser, "pourvu qu'il couchât avec elle. Elle y consentit; et cet évêque, qui les "avoit épousés; et il n'y avoit que lui et deux autres, il étoit homme de cour, "et ne le découvrit pas et aida à faire taire la dame. Cet évêque enfin "découvrit cette matière au Duc de Gloucester, et lui aida à exécuter son "mauvais vouloir."—Comines, lib. v. c. 20.

† Rot. Parl. vi. 240. ‡ Jan. 23. 1483-4. Rot. Parl. vi. 271.

in the statute. On the 26th of June, Richard seated himself in the royal chair in the palace of Westminster; and was received with outward reverence by the clergy, when he came to the cathedral church of St. Paul to return thanks to God for his exaltation to the throne. "After his accession," says a simple chronicler, "the prince, or rather of right the king, Edward V., with his brother, the duke of York, were under sure keeping within the Tower, in such wyse that they never came abroad after."* That the circumstances alleged by Richard in support of the illegitimacy of these unhappy princes should be true, is a supposition so improbable as scarcely to require further examination. Had Edward IV. been really married to lady Elinor Butler, the spiritual court must have decreed, on credible evidence of such an union, that his pretended marriage with Elizabeth was a nullity. Had any faith been placed in the testimony of the bishop of Bath, such an avoidance of the first marriage by a competent court, in the ordinary course of law, is very unlikely to be overlooked in a matter relating to the succession to the crown; but the testimony of a man made so infamous by his own story can be of no other importance than as a specimen of the chancellors and prelates of the fifteenth century.

It is unanimously agreed that, after the accession of Richard, no man (unless the jailors and the assassins) saw young Edward. We have no intimation of the escape of him or his brother; and it is certain that they had been murdered, or made their escape, before the battle of Bosworth. It may be observed that, in the statute declaring the legitimacy of Richard, no mention is made of the two princes as being then dead or alive† Is that silence reconcilable with the fact of their being then alive? In Richard's negotiations for a marriage with his niece the princess Elizabeth, there is no evidence of any attempt made by Edward's widow to save her sons. Was there ever a mother who would, in such a

* Fabyan, 669. † Rot. Parl. vi. 240. Jan. 1483-4.

case, be silent and inactive, if she had not perfectly known their death? The total absence of all pretence to information respecting the subsequent fate of Edward, or the particulars of the escape of his brother Richard, seems to afford the most decisive evidence that neither was alive at the battle of Bosworth; especially as these boys were not of an age to forget their royal condition, and must have been particularly known to many of the English exiles who crowded the courts of France, Burgundy, and Britany. There is no sufficient reason for distrusting the main circumstances of the murder of the princes as they are commonly related. It is said that in the month of August, 1483, while engaged in a progress through the north, Richard commanded Brackenbury, the lieutenant of the Tower, to put them to death with speed and secrecy. This officer rejected the proposal, but acceded to another equally infamous,—to place the keys and the custody of the Tower in the hands of sir James Tyrrell, a less hypocritical assassin, who on the night of his arrival caused the subordinate murderers, Dighton and Forest*, to smother the princes in their dungeon at midnight. Brackenbury was richly rewarded for his connivance, by grants of manors and pensions. Greene, Brackenbury's messenger, appears to have been promoted beyond his natural expectation. Forest, whom sir Thomas More calls "*a noted ruffian*," was made keeper of the wardrobe at the duchess of York's house at Baynard's Castle. Tyrrell himself was made steward of the duchy of Cornwall, and governor of Glamorganshire, with the gift of many manors in South Wales. It is surely no mean corroboration of the narrative of sir Thomas More, that we find the price of blood thus largely paid to all the persons whom he mentions as parties to the murder or privy to its perpetration.† Tyrrell is said by More to have confessed his guilt when he was executed, twenty years after, for concealing the treason of the earl of Suffolk.‡ The

* "Miles Forest, a fellow flesh-bred in murder before time."—Grafton, ii. 118. "Dighton lived at Calais long after, no less disdained and hated than pointed at."—Ibid.

† Turner, iii. 490.

‡ Rot. Parl. vi. 545. A. D. 1503

most specious objection to More's narrative is, that the dates of several of Richard's signatures, at Westminster, on the 31st of July, do not leave sufficient time before his coronation at York, on the 8th of August, for the instructions, for the murder, the execution of it, and the news of its completion; all which, according to the received accounts, occurred in that time. That the king, to expedite affairs, might leave behind him many documents subscribed by himself, when about to set out on a long journey, is so very natural a solution of this difficulty, that it is singular it should not have immediately presented itself. It would probably not be difficult to ascertain the sort of writings in which the signature of the king on the day of their dates might be required, and in what cases it might be dispensed with. But English history is indebted to Dr. Lingard for a more specific and satisfactory answer. He has produced, in answer to this particular objection, thirty-three instances of writs bearing date at Westminster, by Edward V. himself, eleven days before the day on which we know that he actually entered that city after his accession. Comines, a writer of remarkable veracity, and without English prejudices, who knew the chief lords of England as well as those of France and Burgundy, relates the murder of the princes by their barbarous uncle as a fact not requiring any proof.

No sooner had Richard, by thus spilling the blood of his brother's children, completed his usurpation, than he found an enemy, where he least expected it, in the duke of Buckingham, the accomplice of his blackest crimes; undoubtedly the chief instrument of the usurpation, and very probably privy to the murder. The particular causes of Buckingham's revolt cannot now be ascertained. He was perhaps prompted by anger that such a share in guilt should be followed by no share in the spoils: Richard may have waded farther into blood than was warranted by their original contract; or, as a descendant of Edward III., he might have hoped to hurl Richard from a throne stained with the innocent blood of his brother's children. It is possible that the

Lancastrians may have tempted him with such hopes, and that they professed to believe his disavowal of previous knowledge of the murder of the princes.

Whether Richard perpetrated the murder from fears of an insurrection to release the princes, or published the account of their death to confound the councils of the disaffected, the insurrection of Buckingham broke out on the 18th of October, 1483. He is generally related to have concerted measures for raising Henry earl of Richmond to the throne, as the chief of the Lancastrian party, on condition of his wedding the princess Elizabeth, the heiress of the house of York. This expedient for closing the gates of civil war is said to have been suggested by Morton, bishop of Ely, and approved by the queen dowager and her sons of the first marriage, and by the countess of Richmond, on behalf of her son in Britany, to whom she despatched tidings of the treaty and of the day fixed for a general revolt. Storms, however, interrupted the voyage of Henry. The Welsh retainers of Buckingham, dispirited by broken bridges and impassable fords, in the forest of Deane, disbanded themselves with a precipitation more suitable to the mutinous habits than to the gallant spirit of their nation.

Richard, who justified his cruelty to Jane Shore by affectation of zeal for austere morality, at this time, used the like pretext to crush the remaining adherents of Buckingham. On the 23d of October, 1483, he issued a proclamation, with rewards for the apprehension of Dorset and his followers, whose escape was then either not effected or not known. That nobleman is charged by this proclamation with "having defloured many maids, wives, and widows*;" with holding the mischievous woman called Shore's wife in open adultery; with having *not only* rebelled against the king, and intended to destroy his person, but also contributed to the damnable maintenance of vice and sin, to the displeasure of God, and the evil example of all Christian people." Bucking-

* Rymer, xii. 204.

ham's head was struck off, without form of trial, in the market-place of Salisbury. Morton effected his escape to Flanders; the marquess of Dorset and the bishop of Exeter to Britany. These, with 500 English exiles, did homage to Henry of Richmond as their sovereign, on condition of his swearing to observe the terms of their agreement. Richard felt that he had suppressed, but not extinguished, the revolt. He made a bold effort to break the concert of the exiles and malecontents, by marrying the young princess, his niece, whose hand was to be the bond of union between the Roses. It seems obvious that the importance ascribed by all parties to the marriage of this princess can only have sprung from their unanimous belief that by the murder of her brothers she was become the heiress of the house of York. The queen dowager, in spite of her treaty with Richmond, was shaken in her fidelity by the hope of placing her daughter on the throne. Lady Anne Neville, Richard's queen, was in infirm health. The princess showed too great an eagerness for an unnatural marriage, and even betrayed the most indecent impatience of the life of Anne, who, she was assured by Richard, was to die in February.* He was, however, dissuaded from these purposes of marriage, which were so unpopular that he was obliged to disavow them.

It affords no small presumption of the unpopularity as well as illegality of his government, that he did not venture to recur to the practice of the two preceding reigns, by procuring the sanction of parliament for his power, until it appeared to be sufficiently strengthened by the failure of Richmond's attempt to invade England. It was only in the beginning of 1485† that Richard obtained statutes to establish his own title, and to attaint his enemies; for abolishing the grievance of "forced benevolences;" and for reformations of law, which rendered him popular, and clothed him with that show of secure dominion which delivered him from anxiety for the stability of his throne, and enabled him

* Her letter in Buck. † Rot. Parl.

to turn his thoughts to the paternal duties of a just and impartial sovereign.

In the summer of 1485 he directed writs to be issued to all sheriffs*, informing them that Jasper and Henry Tudor, with John earl of Oxford, sir Edward Woodville and others, had conspired with the duke of Britany to invade England; that, failing in this attempt, they fled to the king's ancient enemy Charles styling himself king of France, whose aid they procured by a promise to cede to him the territories of France which of right pertained to the crown of England. With an absurdity as remarkable as its hypocrisy, this proclamation informed the subjects that the greater part of those rebels were "open murderers, adulterers, and extortioners." The most pertinent intelligence which it communicated was, that the exiles had already chosen one Henry Tudor to be their chief, who already usurped the royal estate of England, "whereunto he had no interest, title, or colour, being descended of bastard blood on both sides; for Owen Tudor his grandfather was a bastard†, and his mother was daughter unto John duke of Somerset, son unto John earl of Somerset, son unto dame Catherine Swinford by John of Gaunt, and the issue of their double adultery."

But these reasonings were no longer seasonable. The greater part of the York party, alienated by the crimes of Richard, whose impartial tyranny destroyed Hastings with as little scruple as Woodville, had acquiesced in Morton's project for preserving their own connexion with the regal dignity by seating Elizabeth of York on the throne.

A compromise between the various interests, opinions, and prejudices of a community would lose its nature and its usefulness if it were invulnerable by arguments de-

* A copy of the writ to the sheriff of Kent is to be found in Fenn, ii. 319. The instructions to the chancellor to prepare this proclamation are in Ellis's Royal Letters, i. 162. second series.

† A statement, whether true or false, perfectly immaterial. The latter assertion is true, and, as far as mere hereditary right is concerned, appears to be conclusive. The clause *exceptâ dignitate regali*, in the letters patent of Richard II. to John of Gaunt, it is altogether impossible to reconcile to Henry's title derived from the Beaufort branch.

rived from any one of the principles which it labours to reconcile. A perfect logical consistency is incompatible with such pacifications; every party must sacrifice a portion of their opinions, as well as a share of their interests. A compromise between conflicting factions was effected on the ground that each party should be, as it were, represented on the throne by a queen whom Richard's unnatural deeds and projects pronounced to be the heiress of York; and by a king who, though he could not indeed succeed under the title of the house of Lancaster, was the only remaining leader of the Lancasterian party.

A few of the most eminent Yorkists adhered to the principle of an inheritable crown, clouded as it was by the crimes of Richard. They probably reconciled themselves to a deviation from it, in the preference of him to his niece, by the same obvious necessity for a vigorous chief in the approaching struggle which silenced the prejudices of the other Yorkists against the succession of a Tudor. Among the eminent persons who adhered to Richard as a king of the house of York, was sir John Howard, created duke of Norfolk in consequence of the marriage of his father with the coheiress of the Mowbrays; a family who inherited the estates and dignities of Norfolk from Thomas of Brotherton, fifth son of Edward I. Another was lord Stanley; who, though an original Yorkist, became suspected by Richard on account of his friendship with Hastings, and his marriage with the countess dowager of Richmond, the mother of Henry Tudor.* The difficulties of Stanley's position were increased by his son George lord Strange being in the hands of Richard, treated as a faithful adherent; but who might be dealt with as a hostage, in case of the defection of the father. He temporised; seemed to fluctuate; and, though probably a party to the agreement for the marriage of Henry and Elizabeth, preserved a show of neutrality longer than could be conceived, if the

* Dugdale.

extent and remoteness of his domains were not considered.

Early in the month of August, 1485, Henry earl of Richmond embarked from Harfleur, and landed at Milford Haven on the 6th of that month; a place chosen partly, perhaps, from some reliance on the partiality of the Britons to their native race, but more probably from the facility of undisturbed disembarkation, and from the opportunity afforded to the rising of the malcontents by the distance of his point of attack. The situation of Stanley's domains on his left was probably also not an unimportant circumstance in directing his choice of a landing-place.

Richard, as active and vigilant in war as his brother Edward, marched from London on the 16th of August*; and being perhaps doubtful of his competitor's line of advance, moved to the central provinces, that he might more easily turn his attack wherever the appearance of the enemy required. Both armies met at Bosworth in Leicestershire, on Monday the 22d of August, 1485, in a battle memorable for having composed the long disorders of the kingdom, and restored it after the lapse of nearly a thousand years to a race of native princes. Stanley continued to march slowly, and hung aloof on the skirts of the hostile armies till the morning of the day of battle: but he had quieted Richmond's anxieties in a secret interview during the preceding night. Richard took advantage of a marsh which covered his right flank, and commanded his bowmen to assail the enemy, whom the discharge of arrows threw into confusion. A close fight with swords followed for a short time; but lord Stanley, who still hovered on the edge of the field, at this critical moment joined the earl of Richmond, and determined the fortune of the day. For a moment the earl of Oxford, who commanded Henry's army, suspected the new auxiliaries; but Oxford soon recovering his confidence, the battle was resumed. Richard saw Henry approaching, and hastened to meet his competitor man

* Fenn, ii. 335.

to man. The last day of the monarch was distinguished by his accustomed prowess: he slew with his own hand sir Charles Brandon; and, while engaged in the hottest contest, he fell by a death too honourable for his crimes, but becoming the martial virtues of his life. After his death resistance became vain: a thousand men of Richard's army were slain in the action, which lasted two hours. The duke of Norfolk, lords Ferrers, Radcliffe, and Brackenbury were among the slain. The killed of the earl of Richmond's army amounted only to one hundred, of whom sir Charles Brandon was the only man of note. Lord Stanley, who by his timely interference substantially transferred the crown to Henry, was also the person who formally, when it was found among the spoils of Richard, placed it on his head, exclaiming, "Long live king Henry!" which was repeated with military acclamation by the victorious army. In five days afterwards the king acknowledged his signal services by conferring on him the dignity of earl of Derby.

When the civil war was approaching, we first clearly discern, from the private and confidential correspondence of the Pastons, a family of note in Norfolk, the frequent interposition of the grandees in the elections of commoners, or rather their general influence over the choice. In the year 1455, we find a circular letter from the duchess of Norfolk, to her husband's adherents in that county, apprising them of the necessity "that my lord should have at this time in the parliament such persons as belong unto him, and be of his menial servants," and therefore entreating them to apply their voice unto John Howard and Roger Chamberlayne, to be knights of the shire. On this passage, it is only necessary to observe, that "menial" at that period was a word which had scarcely any portion of its modern sense, and might be applied with propriety to any gentleman bred within the walls of the duke's castle. By another short despatch from lord Oxford, in the autumn of the same year, it appears that sir William Chamberlayne and Henry Grey were to be supported by the two dukes as candidates for the county of Nor-

folk.* In 1472 also, the dukes of Norfolk and Suffolk, after a conference on the subject, agreed to have sir Richard Harcourt and sir Robert Wyngefield to represent the county, and to recommend sir John Paston to be elected for the borough of Maldon, and obtained from the burgesses of Yarmouth a promise to support their candidates for that borough, who were Dr. Alleyne and John Russe.†

In the next instance, after the duke of Norfolk found it impracticable to return his son-in-law, Mr. Howard, for the county, an intimation is thrown out, of means by which an indefinite extension of influence in the elections of other towns, and in the revivals of disused franchises, might be obtained. "If ye miss to be burgess of Maldon, and my lord Chamberlayne will, ye may be in another place; there be a dozen towns in England that choose no burgess, which ought to do it; ye may set in for one of those towns, and ye be friended."‡

A curious illustration of the habitual exercise of the influence of the crown, as well as of the nobility, in elections, may be seen in a familiar letter contained in the same collection. "Sir Robert Coniers dined with me this day, and shewed me a letter that came from the king to him, desiring him that he should await upon his well-beloved brother, the duke of Suffolk, at Norwich, on Monday next coming, for to be at the election of knights of the shire; and he told me that every gentleman in Norfolk and Suffolk, that are of any reputation, hath writing from the king in likewise as he had."§

It was in this period of civil war, that two writers of sagacity describe England as superior to her neighbours, in a mild and equitable government, of which the habitual influence had abated the ravages of a contest between incensed factions, and deprived intestine commotions of a great part of their horrors.‖ "In England,"

* Fenn's Letters, vol. i. pp. 97. 99. † Ibid. vol. ii. p. 103.
‡ John Paston to his brother, Ibid. vol. ii. p. 103.
§ Margaret Paston to her husband, Ibid. vol. iv. p. 103.
‖ Selon mon advis entre toutes les seigneuriez du monde dont j'aye connoissance, ou la chose publique est mieux traitée et on regne moins de violence surde peuple et on il y a nuls edificis, abattus ni demolis pour la

says Philip de Comines, a soldier and a traveller, "the evil of war falls on those only who make it." Sir John Fortescue, an English lawyer, long resident in France, contrasts the operation of absolute monarchy, in impoverishing and depressing the people of that kingdom, with that more free government which raised up the race of English yeomen, qualified by their intelligence, and by their independent situation, as well as spirit, to take an important part in dispensing justice as jurors*;—an accession to popular power, which spread more widely over ordinary life, than perhaps any other; and while it fostered the independence of the people, contributed, by a happy peculiarity, to interest their pride, in duly executing the law, and taught them to place their personal importance in enforcing the observance of justice.

Nothing can be more decisive than the testimony of this eminent lawyer. He lays it down as a first principle, "that a king is appointed to protect his subjects in their lives, properties, and laws; for this end he has the delegation of power from the people, and he has no just claim to any other power."† "In France, although well supplied with all the fruits of the earth, yet they are so much oppressed by the king's troops, that you could scarce be accommodated even in the great towns. The king cannot, in England, lay taxes: he cannot alter the laws, or make new laws, without the consent of the whole kingdom in parliament assembled." These extracts may be properly closed by the short maxim following, after the perusal of which no man will be at a loss to understand the main cause of the happiest of all revolutions — the manumission of bondsmen. "The laws of England in all cases declare in favour of liberty."‡

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guerre c'est l'Angleterre, et tombent le sort et le malheur sur eux qui font la guerre."—Comines, liv. v. c 19.

* Sir John Fortescue, De Laudibus Legum Anglo, c. 36. See also on the difference between an absolute and a limited monarchy.

† De Laudibus, c.xiii, Professor Amos's edition, with his most learned and instructive notes, p. 38. In c.xxix, the opulence of the yeomanry is the reason assigned for juries.

‡ C. xli. Id. 157.

Thus early was the example of England in entering on the progress towards liberty (the highest benefit which a single people could confer on mankind) discovered by the wisest men of an age, which may be regarded as the worst in the history of this country: the two governments were thus estimated according to their experienced effects, by men whose origin and fortune were not favourable to a prejudice on the side of England; the one a foreigner, who saw the venality of the court and council of Edward IV.; the other an Englishman, indeed, but with the more bitter feelings of unjust exile and undeserved proscription. Fortescue, even in his own banishment, and amidst the tragical circumstances of his country, considers its government as the best model of legal liberty, and holds out France as an example of the evil principle of absolute power.

CHAP. III.

HENRY VII.

1485—1509.

The reign of Henry VII. may be characterised as the restoration of the Lancastrian party to power. It was so in a great measure necessarily; nor can it be denied that policy required from the king that he should strengthen his most devoted adherents: but he had too long been the leader of a party not to be carried by his habits and passions beyond the limits of necessity, or of prudence. To this vice, which might be owned not to be without excuse, the chief disorders of England under his administration are doubtless to be ascribed; had he laboured more heartily to be the impartial ruler of all his subjects, a nation weary of civil war would have more uniformly submitted to a government which, although jealous and stern, maintained peace and justice.

Henry, at the opening of his reign, was perplexed by the various and jarring grounds on which his title to the crown rested: first, his marriage with Elizabeth; second, his descent from the house of Lancaster; and, third, the right of conquest. The last was too odious to be openly advanced. The second could not be singly relied on in the event of a breach between himself and his Yorkist adherents: and the first gave security only in the case of his having issue by his marriage with Elizabeth. "He rested on the title of Lancaster in the main, using the marriage and the victory as supporters."* He immediately assumed the title of king, without mention of the intended marriage; and though, on his arrival in London, he renewed his promise in that respect to his council, he was nevertheless crowned separately, and he excluded the name of Elizabeth from the parliamentary settlement in order to banish her pretension to a participation of right. He did not exact such a recognition of his title as would have been involved in a declaratory act, nor did he, on the other hand, accept the crown as a grant from parliament, but was content with the ambiguous language† "that the inheritance of the crown should rest, remain, and abide in the king." Yet it was entailed only on "the heirs of his body;" a limited and conditional gift. All his titles, however, by descent, by marriage, by victory, or by parliamentary establishment, were recited and confirmed in the next year by a papal bull.‡

Many of these measures savour more of Lancastrian prejudices struggling for a time with prudence, to which it reluctantly and ungraciously yields, than of the refinements of policy, which the most famous of his historians is perhaps too prone to attribute to a prince whom he

* Bacon.

† These particulars rest on the credit of Bacon, and savour somewhat of subtlety, in which it must be owned that, in his history, he has unseasonably indulged; for the words here applied to Henry are almost the same with those used in the case of Richard III. two years before. — Rot. Parl. vi. 240.

‡ The second and most ample of the bulls of Innocent VIII. is extant in Rymer, xii. 296. It is dated at Rome in March, 1486.

evidently aimed at representing as an ideal model of king-craft. *

It is certain that none of the titles relied on by Henry made the slightest approach to validity. Even if his descent from John of Gaunt had been legitimate, he was not the nearest descendant of that prince's children; for princes and princesses of undisputed legitimacy, the descendants of John of Gaunt's first wife, Blanche of Lancaster, and of his second wife, Constantia of Castile, were then living in the Spanish peninsula; but their distance and their want of the means of interposition precluded all hope of enforcing their claims. Had the doctrine of the indefeasible succession of the house of York been likely at that crisis to obtain the national concurrence, there were two unfortunate claimants in England, Edward Plantagenet earl of Warwick, eldest son of George duke of Clarence, and Margaret the daughter of that prince and the spouse of sir Richard Pole.

On the 14th of January, 1486, the king espoused the princess Elizabeth of York, agreeably to the compromise of parties formed between cardinal Morton and queen Elizabeth Woodville, which was the foundation of the subsisting government. The king then began a military progress through the north. He defeated his opponents at Stoke, near Lincoln, and inflicted on them severe punishments. This victory tempted him to give the reins to his partiality. The stipulations of the original agreement favourable to the York party were performed, indeed, but sullenly. Whatever severities were compatible with its letter were eagerly and fiercely inflicted on them. The gracious part of the contract was postponed to the last, while every blow from the hand of an enemy, however just, seemed, to the disordered minds of the vanquished faction, a wrong to their whole body.

* A curious grant for life, which occurs soon after the accession, is preserved in Rymer, xii. 275., "of a building contained in the palace of Westminster, together with the custody of the paradise and hell under that palace, and of the contiguous buildings which formed the purgatory of our aforesaid palace." It should seem from these names that the praises of Chaucer had early rendered Dante popular in England.

In February, 1486, "there followed an accident of state; whereof the relations are so naked, that they leave it unintelligible, and scarcely credible—not on account of the nature of it, for events of the like sort either often occurred, or were liberally feigned, in the fifteenth century, but on account of the manner of it, especially at the beginning. The king was green in his estate, and contrary to his opinion,—perhaps to his desert,—was not without much hatred throughout the kingdom. The root of all was, the discountenancing of the house of York."* At the time of the fermentation of various and even jarring factions, agreeing scarcely in any common ingredient but that of hatred against the king, Edward Plantagenet, the only surviving male of Clarence's family, was committed to the Tower, where he lingered through the remainder of his wretched life.

In the same year the first mention is made of a youth, named Sulford or Symnel, the son of an Oxford tradesman. This youth, who had been trained, both in knowledge and manners, by a subtle priest, called Richard Symmonds, was then about fifteen years of age, a comely boy, not without some dignity and grace, which were the more agreeable, because unexpected in so humble a station. But the general project of setting out, under a false name and pretensions, as a candidate for the crown, might have occurred to many in an age of revolutions, when, in the midst of the almost general massacre of the royal family, it was not improbable that some of that house, then merely children, might have been withdrawn from the doom of their kindred, by the attachment or common humanity of some of their adherents; and if any outward excitement had been wanting to the ambition of Symnel, it might have been supplied by rumours and other incentives, proceeding from the court of Margaret, duchess dowager of Burgundy, the third sister of Edward IV. "This princess," says Bacon, "having the spirit of a man, and the malice (the personal resentment and desire of revenge) of a woman, abounding in treasure, by her dower and her

* Bacon, iii. 125.

frugality, made it the chief end of her life to see the majesty royal of England once more replaced in her house; and had set up king Henry as a wall, at whose overthrow all her actions should aim and shoot, insomuch that all the counsels of his succeeding troubles came chiefly out of that quiver; and she bare such a deadly hatred to the house of Lancaster, that she was nowise mollified by the conjunction of the two houses in her niece's marriage, but rather hated her niece as the means of the king's accession to the crown."* It is therefore probable, as our ancient writers tell us, that Symonds and Lambert had been stirred up, partly by these inventions of the court of Brussels, to harbour vague and vast hopes of bettering and advancing themselves, at first without stretching their serious expectations beyond ecclesiastical preferment, but afterwards swelling with the rumours spread by the duchess of Burgundy, until their aims at length reached the royal dignity. Hitherto, their ambitious schemes, however apparently impracticable, were at least intelligible, and not without parallel in history; but the choice of the prince to be personated, bids defiance to all attempts at explanation. It had been industriously rumoured, and it was perhaps believed by the priest of Oxford and his pupil, that Richard duke of York had escaped from the assassins of his elder brother, and had found a secure asylum against the tyrant Richard and the usurper Henry. In the beginning, it seemed to be intended to select Symnel, to personate this young prince; but for some reason which we can no longer ascertain, nor even probably conjecture, the prompters caused their puppet to assume the character of Edward Plantaganet, son of the duke of Clarence, and in that character to claim the crown. For the selection of this plan of imposture it is hardly possible to see any plausible reasons. Had Symnel been really what he pretended to be, he had no pretension to the crown during the lives of his uncle Edward's daughters. The true earl of Warwick was then a prisoner in the Tower, at the mercy

* Bacon's Works, iii. 188. Montague's edition.

of his most deadly foe. Henry ordered Warwick to be led on horseback through the streets of London, in order that the most ignorant of the multitude might see the grossness of the imposture. During the procession, many courtiers of Edward IV., who were unfriendly to a Lancastrian government, were allowed and encouraged to determine for themselves the identity of the prisoner, by conversation with him, on the occurrences of his infancy and childhood. Every attempt to explain these circumstances, by the supposition that the overthrow of the false Warwick was necessary to the success of the true, is liable to the seemingly insurmountable objection, that as the Yorkist chiefs were not masters of events, it must have been impossible to foresee whether those who were chosen to act as tools might not at last snatch victory out of the hands of their employers. These hypotheses also assumed, that the appearance and suppression of a pretender is favourable to a like revolt in support of the just claimant in the same character, which appears to be the reverse of the ordinary results of experience.

In February, 1487, the earl of Kildare, lord deputy of Ireland, who, with the greater part of the English settled in that country was a zealous adherent of the house of York, received the pretended Warwick with the utmost friendship, and allowed his claim without discussion. The public exhibition of Warwick had disabused many in the capital; but the little colony in Ireland called the English Pale, long ruled by the York party, retained their ancient attachments, little moved by mummeries in London, of which they had probably slow, imperfect, and scanty information. The Irish chiefs took little part in the broils of the foreign tyrants. In the earlier part of these designs and movements, John earl of Lincoln, the nephew of Edward IV., had continued to take his share in the councils of the reigning monarch; but before Symnel's declaration and coronation, he had contributed by his example and advice to these solemn acts of national recognition, supported and spirited by the duchess

of Burgundy. He, with the lord deputy, the earl of Kildare, in May, 1487, took the bold measure of disembarking in Lancashire, with an Irish force, to seat the pretender on the throne of England. They were aided by a band of 2000 mercenaries of Burgundy and Germany, and were led into the field by the earls of Lincoln and Kildare, lord Lovel, Schwartz the leader of the foreign soldiers, and sir Thomas Broughton, an opulent landholder of the north. On the 22d of June, 1487, the Irish army had penetrated into the heart of the kingdom. Though they do not appear to have gained any conspicuous accession on their march, an advance so unmolested indicates the absence of a very decisive preponderance on either side. "Both the armies joined and fought earnestly and sharply."* The insurgents, about 8000 in number, began the attack; one half of them was left dead, among whom were Lincoln, Kildare, Broughton, and Schwartz. Lovel was seen in the flight, but never after heard of. Symmonds the priest, and his pupil Symnel, were spared, and afterwards treated with a sort of contemptuous compassion, which is so much at variance with the common treatment of daring and formidable rebels in that age, that it may be considered as another strange fact in this singular transaction. Symnel was made a turnspit in the king's kitchen, and after a due trial of his merit, promoted to the honourable office of one of the king's falconers. Thus ended a revolt, absurd in its plan, unintelligible in some of its circumstances, suffered to keep up a sort of faint existence for a longer period than its vital powers seemed to be capable of preserving it, and at last closed in a manner which neither valour nor clemency could prevent from being somewhat ludicrous.

Another attempt of the same general nature, though certainly very different in tone and temper, may be related in this place, though it did not occur until six years after (in 1493), in order to keep the attempts pointed against Henry's throne separated from the less

* Hall, 434.

important events of his reign, with which they have, indeed, little natural or direct connection.

A pretender to the regal dignity appeared in Ireland, under the name of Perkin Warbeck, but asserting himself to be Richard duke of York, the second son of Edward IV. No proof remains of his having offered an account on this or any other occasion of the circumstances of the murder of his elder brother, of his own preservation, or of any of those facts, without a knowledge of which it was impossible to bear effective testimony to his filiation and legitimacy. It is no where intimated that he even attempted to explain the cause of his own total ignorance of facts inseparable from the very foundation of his own claim. Till the death of his brother, for example, he could have no title. But the death of that prince resting on the same general belief with that of his younger brother could hardly have been proved by those who were ignorant of the circumstances of the murder; or at least a satisfactory account must be required of the causes which enabled a witnes to be sure that there *was* a murder, and yet to be wholly unacquainted with every other particular relating to it. He seems to have been first heard of at the court of Margaret of York, his supposed aunt. Henry's ambassadors, archbishop Warham and sir Edward Poynings, required that the audacious impostor should be surrendered to them, or that he should be compelled to quit the territories of the duke of Burgundy, where he had been sheltered since Charles VIII., then solicitous for the favour of Henry, expelled him from France, though on the first arrival there the adventurer had been received with princely honours. The duke made all the professions usual on such occasions; he alleged the confessed neutrality of the provinces directly subject to him, and his want of authority over the vassals of the duchess-dowager. That princess sent Perkin into Portugal. When he returned his reception was more honourable, and his political importance had grown greater, without effort or consciousness on his own part.

From the moment that war against France began to be probable, every pretender to the English crown became an instrument of the utmost consequence to that powerful state. Perkin was received with open arms in Ireland, where the people were as prone to believe a wonder, as if they had not just escaped from the like fraud. In the case of Symnel, they, as well as the duchess of Burgundy, forfeited all title to belief in their testimony for Perkin by their credulity or falsehood, in a case of such flagrant imposture as that of Symnel. The fanatical attachment of the Irish to the house of York was vainly combated by papal bulls, condemnatory of the archbishops of Armagh and Dublin, and of the bishops of Meath and Derry, for their share in the coronation of Symnel.*

Sir R. Clifford, and some of his friends in 1494, went to Flanders to ascertain the history of Warbeck. They were deputed by the leading Yorkists; but, as all seem to agree, corrupted by Henry before their arrival at the court of Burgundy; and they furnished the king with important information relating to the correspondence of the discontented nobility with the pretender and his counsellors. The difficulties produced by the irregularity of the judicial proceeding of our ancestors, and the scantiness of the narratives now possessed by us, are still more increased by an incident of frequent occurrence, in the employment of the dishonourable, however legal, or even sometimes necessary, means of detecting and punishing conspiracies. In some manner, though it is not certain how, these secret emissaries took bribes from those on whom they were to act as spies, and began to be spies *on* their original employers, without ceasing to be spies *for* them. In such an embroiled political comedy it is very difficult, or rather impossible, to trace the mazes of the intrigue, the inconstancy, and the faithlessness of the double spy, who seldom fails to earn the wages of his iniquity from one, if not more, of the parties with whom circumstances have brought him

* Rymer, xii. 332. dated at Rome, Jan. 1487.

into contact, in situations the most tempting to human infirmity. The jealous and suspicious tyrants, who most usually employ dishonest and infamous agents, cannot fail to suspect those with the full extent of whose villany and wickedness they alone are acquainted. In time the intrigue is perplexed by using one gang of spies to watch over another detestable band of the same miscreants; all of them are traitors to each other, to their native master who teaches them treachery by the very act of their appointment, and to the foreign seducer to whom they cannot be much better disposed than to their liege lord. They are sold to all; and though strictly faithful to none, yet have some fear of losing a hold on any party, and aim at preserving some ties, either of fear or of gratitude, some secret benefits or threats, by which they may be ransomed in the hour of extreme need.

At Clifford's return, however, some of the most eminent among the malecontent Yorkists were, on his secret communications, put to death. The fate of some of them was very mysterious. Sir W. Stanley, lord chamberlain, was charged by Clifford with the treason of abetting the rebels abroad by a treasonable correspondence with them. He is said to have confessed the crime; and whatever were the grounds of accusation, the restorer of Henry was executed on the 15th of February, 1494. It would have been wonderful if, under the reign of a miser and an extortioner, one principal motive to the execution were not generally believed to be the confiscation of the property of the most affluent of English noblemen. Indeed, the causes of Stanley's monstrous execution assigned by Bacon, an historian sufficiently favourable to the king, are such as to warrant very odious suspicions. They are his invidious deserts, which were too high for reward; the alarming power of him who as he had set up a king might pull him down, "with a glimmering of a confiscation of the property of the richest subject in the kingdom;" to which the historian fairly or speciously adds fears for his own safety in times so dangerous.* He

* Bacon, iii. 297. Montague's edition.

was accused of declaring that if a legitimate son of Edward IV. were alive, sir William would not bear arms against him; which amounted, at most, to a decision in favour of the title of the house of York, and which, even if so interpreted, was not necessarily an overt act of treason, because it was not uttered in furtherance of a treasonable purpose, and might probably be understood as meaning no more than attachment to the memory of Edward, and of gratitude for his friendship.

The executions which followed the information of sir Robert Clifford, especially that of sir William Stanley, spread dismay among that commonly numerous body who, in times of commotion and conspiracy, expose themselves to suspicion by the discovery of their compliances with every successive conqueror. Sir Robert Clifford had been the confidential minister of the Yorkists in the Netherlands. Stanley was the personal friend of Edward IV. A charge of treason from such an informer, and aimed at such a victim, seemed to dissolve all ties of confidence between the Yorkists and the exiled malcontents, and to be a fatal blow struck at the only point of communication by which the exiles might concert their measures with the discontented at home. "Still," says the wise historian, "they rather made the king more absolute than more safe."*

Perkin Warbeck began to feel that he stood on shifting sands; that longer procrastination might now seem to be a renunciation of his claim, and that the competitor for a crown must show his fortitude and prowess if he expect that many will intrust him with their lives and fortunes. In May, 1496, he collected a small force in Flanders, with which he attempted to land near Deal, but was defeated by the people of the country, who took 150 prisoners; these prisoners sir John Peachy, sheriff of Kent, brought to London, "railed with ropes like horses drawing in a cart."† The opportunity which occasioned this attempt was the distant visit which the king then

* Bacon, iii. 302.
† Holinshed, iii. 54. Hall, 472.

was paying to his mother the countess of Richmond, for whom he professed much honour and affection, though she was then the widow of sir William Stanley, for whose death he thought that he was making some amends by his visit to her.

Perkin, disappointed in Ireland, and worsted in England, turned his hopes to Scotland, where rapacity and national antipathy always rendered an irruption into England palatable. In the latter part of 1496 the young king of Scotland, affecting pity for the misfortunes of Perkin, and professing a conviction of the justice of his title, gave the hand of lady Catherine Gordon, a young lady celebrated for beauty, and near akin to the royal family, to the pretender in the moment of his sinking fortunes. James entered Northumberland; but the Scots as usual dispersed as soon as they were satiated by pillage and laden with booty. No native sword was drawn for Perkin while he was in England under the protection of a foreign army. It is said that during the inroad, "when Perkin saw that the Scotch fell to waste, seeing no support given to their cause in the country, he came to the king and said, with loud lamentation, that this might not be the manner of making the war." Whereupon the king answered in sport, "that he doubted much whether Perkin was not too careful for what was none of his."* Henry was impatient of the state of disquiet and irritation kept up by revolts and conspiracy at home, but fomented by the frequent and destructive inroads of the Scotch. Ayala, the Spanish ambassador in London, at the king's desire repaired to the court of Scotland, and laboured for almost a year to persuade James to accede to an amicable arrangement, to which the pledged faith of the Scottish prince never to desert Warbeck was an obstacle so formidable, that it was at last thought fit to evade it by omitting all mention of Warbeck by name on James's promise that he should be persuaded to leave Scotland. A long truce supplied in other respects the place of a treaty of peace. Nothing was accounted essential to

* Bacon, ut sup. 324.

James's honour but that the adventurer should not seem to be driven from his refuge by force. He accordingly went away with six score of adherents, in four vessels: he touched at Cork, but vainly laboured to rekindle the zeal of the earl of Desmond, and landed his handful of followers on the 7th of September at Whitsand Bay, in Cornwall, whence he advanced to Bodmin, and there was proclaimed with the royal standard of Richard IV. unfurled before him.

He now found, for the first time, a considerable body of native Englishmen in arms, who were ready to espouse his cause. In 1496 parliament had granted a subsidy equal to two tenths and two fifteenths, on the conditions that it should be expended for the purposes of the Scottish war, and that its payments should be suspended if active hostilities were discontinued. A singular provision was added, that the farmers might retain from their next payment a sum equivalent to any distress levied on them for nonpayment of these contingents till there should be time to hear and determine by the course of law the legality of the assessment.* Commissioners were named to carry this grant into effect in all the counties and great towns. They were vested with full power to apportion the assessment and to levy the payments; and though every impost laid on a man by an estimate or conjecture respecting his wealth is liable to be oppressive, yet it is hard to discover any unusual traces of severity on this occasion. On the imposition of a like tax in 1497, the discontents of the people broke out into revolts, signalised in one instance by the assassination of the earl of Northumberland. In the present year the same spirit throughout Cornwall manifested itself with more strength and system. A remote and almost insular county, speaking a distinct language, among whom the introduction of extraordinary aids to the king was in all likelihood later than in nearer and more thriving districts, and whose hardy and licentious occupations were the natural nurseries of a mutinous spirit, presented a scene of action very favourable to the invader.

* Rot. Parl. vi. 513. 519

The insurgents of Cornwall had marched to Wells, under Hamock, "a gentleman learned in the law," and Joseph the blacksmith, when lord Audley was chosen by them, gladly and gratefully, to be their commander. They marched through Wiltshire and Hampshire into Kent, with no discernible object, unless they were encouraged by the traditional fame of the men of Kent, as unconquered lovers of liberty. Audley, seemingly with no aid from the turbulence of London, but entertaining vague hopes from the populace of a great city, took his position at Blackheath, and waited till the movements of the royal army should determine whether he must either give them battle, or attack the capital himself; Henry having planted troops at the most convenient avenues and passages on Blackheath, to cut off the retreat of the Cornish men encamped on St. George's Fields. The Cornish army was depressed by so long a march, without any appearance of support. Assailed on all sides, rashness was followed by its frequent attendants, sudden apprehension and general panic. The men of Cornwall did not struggle against difficulties with their wonted manhood. In the action which occurred on the 23d of June, 1497, they were totally defeated. The loss of the king amounted to three hundred: two thousand were left dead by the revolters. Audley was beheaded on the next day. "Hamock and Joseph were hanged, drawn, and quartered, after the manner of traitors. Their heads and quarters were pitched upon stakes. The king meant to send them to Cornwall for a terror to others; but fearing that the Cornish men would be the more irritated and provoked, he changed his purpose."*

The remains of the Cornish army retreated to their own provinces, and soon after received the pretender in his regal style and character. They were treated with a lenity which perhaps proceeded from the policy of suffering the inflammation of men's minds to subside spontaneously, rather than from the clemency or the contempt to which it has been variously ascribed by

* Holinshed, iii. 514.

historians. Exeter was the only town in the west which preserved its Lancastrian loyalty. Perkin was compelled to raise the siege of that city, which had been blockaded, and sometimes assaulted, during a siege of three weeks. He was at this time deserted by Frion, a discarded secretary of Henry, who, from the seasonableness of his defection, may be suspected at all times to have been more a spy on Perkin than a traitor to Henry. His three remaining counsellors in his last faint struggle, are thus sarcastically enumerated by Bacon,—"Sterne a bankrupt mercer, Skelton a tailor, and Astley a scrivener." After the siege of Exeter, he was still at the head of ten thousand men, and made a show of preparations for battle at Taunton, in September, 1497; but while he amused his followers by the hope of a victory, he escaped from them by night, with fourscore followers, and registered himself in the sanctuary of the abbey of Beaulieu, in Hampshire.

On the 20th of January, 1498, the sanctuary was, by Henry's command, surrounded by soldiers, who were required to keep their captive constantly within view. In this situation, when he was beset by spies, weary of confinement, irritated by all the countless annoyances which that word may involve in it, and probably doubtful whether Henry's respect for sanctuary would long continue a match for his policy or revenge, he was advised by the royal emissaries, "on his having pardon and remission of his heinous offences, of his own will frankly and freely to depart from sanctuary, and commit himself to the king's pleasure." "Perkin, being now destitute of all hope, lacking comfort, aid, and refuge, when he knew not to what country to fly for succour, having now his pardon offered to him, and trusting to the open promise of men*," yielded to, perhaps, honest advice. The strong language in which the chronicle describes the forlorn and desperate condition of Perkin, justly despairing of aid from any prince, or of asylum in any other country, manifestly indicates

* Grafton, ii. 215.

the cause of his temporary importance, and of the utter ruin which now fell upon him. He was important as long as it was the interest of neighbouring princes to throw, when they pleased, a firebrand into the English dominions. Political circumstances had varied, and, with the change, the importance of Warbeck disappeared.

He at first experienced somewhat of that scornful pity, which it was thought safe to squander on the notorious Symnel. He was allowed to walk about London, where he excited the wonder of the populace, and was the object of their base sports. He next made his escape, and took refuge in the priory of Bethlehem at Richmond, now called Shene, where he prevailed on the prior to intercede with the king for his life. The king, anxious to escape the odium of a violation of sanctuary, agreed to spare Perkin's life, and commanded that he should stand in the stocks, once at Westminster, and once in Cheapside; at both which places he read a confession of his imposture, on the 14th and 15th of June, 1499.

In the Tower of London he met a singular companion. Edward Plantagenet earl of Warwick, son of George duke of Clarence, the undisputed successor to the crown, according to the principles of the house of York, who had been confined a prisoner in that fortress for the period of fourteen years. The earliest fact which the unfortunate youth could recollect was the murder of his father, with the aggravation that it was perpetrated by an unnatural brother, in a manner which bore the appearance of turning fratricide into a jest. For three years he was imprisoned at Sheriff Hutton in Yorkshire, whence, after the battle of Bosworth, he was conveyed to the Tower. He passed his life in captivity, for no other offence than that he was the sole survivor of the male descendants of Edward III. This unhappy youth listened with eager credulity to projects suggested by Perkin for their joint deliverance. They were charged with a conspiracy to set themselves free, by seducing some of their guards, and disabling or

destroying the rest. Whether Perkin was himself the contriver of this plot, or was excited by the government to inveigle Warwick into acts which might give a colour of law to his destruction, is a question which cannot now be satisfactorily answered. The latter supposition seems to correspond best with the events which followed. That Henry should once, if not twice, have spared the life of Perkin, is an inexplicable occurrence, which leads to no certain conclusion, but that the adventurer was not the son of Edward IV., and that he was not then believed to be a person so formidable.

It is true that the situation of Henry exposed him to some fluctuations in his counsels, otherwise unlikely in a sagacious and inflexible prince. But the time was approaching when the death of Elizabeth of York, which actually took place in 1503, was about to divest him of one of his irregular titles to regal authority. He was then to be no more than an illegitimate descendant of the house of Lancaster, who were themselves usurpers in the eye of all the zealots of hereditary right. His son Henry, who had probably betrayed a character not disposed to yield his pretensions, would then become the legitimate sovereign, according to the maxims of the Yorkists. As there is, perhaps, nothing in human affairs so hard to be foreseen as the effect of punishment, it is natural to a prince, however free from the infirmity of compassion, to fluctuate between pardon and rigour, as he may, sometimes, be most fearful of offending one party, and sometimes more apprehensive of strengthening another.

However this may be, it is not probable that, after pardoning Perkin for so many rebellions, the king should have brought him to trial for a plot which, even if true, amounted only to the comparatively venial offence of an attempt, by prisoners, to escape from their prison. The fact is intelligible, if we adopt the narrative of those who represent Perkin as being instructed or tempted to decoy Warwick into the appearance of a plot; by whom we are told, that when the destruction

of that prince was resolved on, the criminal proceedings against the adventurer were deemed necessary, to bestow the exterior of reality and importance on the conspiracy. Whatever the secret motives may have been of the change from contempt to rigour, Warbeck was tried and convicted, on the 16th of November, 1499, of treasons, says Lord Bacon, done by him after he landed; though it does not appear what these could be, which were not comprehended in the pardon.

At his execution he repeated his confession that he was an impostor. It was not treason to attempt his own escape; and it could not have been treason to aid the like attempt of lord Warwick, for whose confinement there does not appear to have been a legal warrant. Perhaps, the subservient judges held the conspiracy to effect his own deliverance by the aid of some military retainers of the lieutenant of the Tower to be an overt act of conspiring to rebel, which might be then, for it is now, held to be an overt act of compassing the king's death.

The only interesting circumstance in the true story of Warbeck is, that he retained to the last the faithful attachment of lady Catharine, "the pale rose of England;" an appellation originally usurped by her husband, but transferred by the people to her, as emblematical of her drooping beauty and unsullied purity. Warbeck, when he advanced towards the east, had placed her in St. Michael's Mount, in Cornwall, where she was found by Henry's troops, after her husband had taken sanctuary at Beaulieu. Henry feared that she might be pregnant, and thus prolong the race of impostors. The beauty of the faithful and afflicted lady is, however, said to have touched his cold heart. He sent her to the queen, who placed lady Catharine in an honourable station in the royal household. She ended her days, long after, as the wife of sir Matthew Caradoc, or Craddock, beside whose remains she was interred in the church of Swansea.

On the 21st of November, 1499, two days before the execution of the pretender, the earl of Warwick was brought to trial for treason, in conspiring with some

servants of the lieutenant of the Tower to slay their master, and to seize that opportunity of escaping; to which it was added by some, that he was charged with a design to raise Warbeck to the throne. Fifteen years of lonely imprisonment, chequered by the pernicious indulgence of one warder and the dark severity of another, had produced one of their most natural effects on this unhappy boy, deprived almost from infancy of light and air, sport and exercise, separated from companions and from kindred, without instruction or occupation. Our ancient historians describe him in pithy though homely terms, as reduced to the most abject condition of idiotcy. "He was," says Holinshed, "a very innocent."* Another contemporary writer says, "Being kept for fifteen years without company of men or sight of beasts, he could not discern a goose from a capon."† In this state of utter incapacity to commit a crime, or to defend himself against an accusation, he was convicted by a jury of peers, before the earl of Oxford, the lord high steward, of high treason, and immediately after put to death for an offence which his faculties did not enable him to comprehend. Thus perished the last male of the Plantagenets counts of Anjou, who had reigned over England for near four hundred years, with a general character of originality and boldness; but who, as Bacon owns, were a race often dipped in their own blood.‡

The extinction of such a harmless and joyless life, in defiance of justice and in the face of mankind, is a deed which should seem to be incapable of aggravation; but the motives of this merciless murder, the base interests to which the victim was sacrificed, and the horrible coolness of the two veteran tyrants, who devised the crime, are aggravations perhaps without parallel. Henry had been for some time engaged in a negotiation for the marriage of Arthur, his eldest son, with Catherine, infanta of Spain. In the course of the personal correspondence between the two monarchs, "these two

* Holinshed, iii, 529. † Hall, 491 ‡ Bacon, iii. 365.

kings understanding each other at half a word, there were letters shown out of Spain, whereby, in the passages concerning the treaty of marriage, Ferdinand had written to Henry in plain terms, that he saw nō assurance of the succession as long as the earl of Warwick lived, and that he was loth to send his daughter to troubles and dangers."*

It was not till the murder of Warwick might have been foreseen, that the ill-omened nuptials between Arthur and Catherine were celebrated by proxy in Spain†, of which the remembrance caused that princess, deeply imbued by the religion or superstition of her country, to exclaim long after, in the most melancholy moments of her life — "The divorce is a judgment of God, for that my former marriage was made in blood!" The length of the proceedings preliminary to the matrimonial negotiation suggests a suspicion that hard conditions were secretly sought by one of the parties. How came the espousal by proxy to occur only six months before the execution of Warwick, when it was easy to see that the disorders and revolts of the kingdom would afford a pretext for involving him in a charge of treason? The personal union was delayed till 1501. Will it be thought an over refinement to discover, in these dates, a delay till the removal of Warwick could be made sure, without bringing the marriage so near to the murder as still further to shock the feelings and to strengthen the unfavourable judgment of mankind? Lord Bacon, a witness against Henry, above exception, positively affirms, that the flagitious correspondence had been seen in England, and that it was shown by the king to excuse his assent to a deed of blood.

Letters of such murderous import allow very little interval between a breach of the intercourse and an acquiescence in its proposals; but when it terminates in

* Bacon, iii. 365.

† Rymer, xii 658. 666. Tract. inter Reges Hisp. et Angl. The first formal authority to conclude the treaty of marriage seems to be a commission to the bishop of London, 22d of September, 1496. — Rymer, xii. 636. — May 14. 1499.

the success of the negotiation, and the opportune removal of the only obstacle known to us which stood in its way, there seems little reason for doubting either the correspondence which Bacon expressly attributes to his hero, or the criminal agreement which is imputed to him, in language as clear, though not so directly expressed.*

The prevalent opinion that there was a secret correspondence with Spain relating to the removal of Warwick singularly corresponds with the intrinsic probability of such a design; both are corroborated by the otherwise inexplicable change of the king's dealing with the hitherto despised impostor; and they all concur in leading to the conclusion that the offences of the unhappy Warwick, if not altogether imaginary, were the result of a snare laid by Henry for the inoffensive simpleton.

The extinction of the male descendants of the reigning house of Burgundy and Britany was attended with considerable disturbance of that part of the European system to which England was particularly attached.† Maximilian archduke of Austria, emperor of the Romans, had obtained the Burgundian dominions by marriage with Mary, the heiress of these fine provinces, which were inferior to few monarchies in Europe. Louis XI. might have united the Low Countries to France amicably, by the marriage of Mary to a prince of French blood, if the impolitic rapacity with which he seized Burgundy and part of Picardy had not offended the princess and the

* "This marriage was almost seven years in treaty, which was, in part, caused by the tender years of the marriage couple, especially of the prince; but the true reason was, that these two princes, being princes of great policy and profound judgment, stood a great time looking one upon another's fortunes how they would go."—Bacon, iii. 374. Mont. edit.

† The negotiations with the duchess of Britany, Rymer, xii. 355. 372.; Maximilian, 393. 397.; with Ferdinand and Isabella, 411.; with the duke of Milan, 429.; with the grandees of Britany, 433.; alliance with Spain against France, 462.; preparations against that kingdom, 446—464.; the indentures for the French war, 477.; are sufficient examples of the activity and watchfulness of Henry between the defeat of Symnel in 1487., and the diversion of French policy towards Italy in 1493, to show the English monarch's ambitious neighbours that, if they desired to prosecute their schemes of aggrandisement without disturbance, they would do well, by supporting a pretender to his crown, to provide such a neighbour with occupation at home.

people. Anne, heiress of Britany, had many suitors for her hand, before, by her marriage with Charles VIII., she united that great fief to the crown of France. In this case, Henry was influenced by various and dissimilar motives to profess an interest, if not to take a share, in the contests between France and Britany which preceded the union. When earl of Richmond, he had been long sheltered in Britany. There he formed the coalition with the Yorkists which placed the crown on his head. But the duke of Britany was induced, either by a simplicity scarcely credible, or by the bribes of Edward IV., to surrender Richmond to that formidable prince. Henry made his escape, and found a safe asylum in France, where the government supplied him with the men and money which enabled him to undertake a successful invasion of England. He was outwitted by the French in the affairs of Britany, where he considered conquest and marriage as improbable. Influenced in some degree by this error, he long confined himself to speeches and memorials, which filled his coffers with parliamentary grants, and kept up a certain disposition to resistance both in England and Britany. He was easily satisfied with any political reasoning which gave him a pretence for the indulgence of his wary and penurious disposition. He was more lukewarm than insincere in his regard for the independence of his neighbours, but was too sagacious not to perceive its connection with his own. Being at length induced to make a tardy effort for the balance of power, he landed in France in 1492, and laid siege to Boulogne. The situation of all Europe threw a considerable weight into his scale. Maximilian, sovereign of the Low Countries, courted the alliance of England,—a power more interested than any other in the independence of the Belgic territory. Charles VIII. was now engrossed by his designs against Naples,—the first attempt, since the Suabian emperors, to reduce a large portion of Italy under a foreign yoke. Though Naples was as speedily lost as won, though the French incursions into Italy proved to be only brilliant inroads where

victory was its own sole reward; yet the stream of French policy long flowed towards Lombardy and Naples in spite of the mountain barrier, of the climate, unfriendly to northern soldiers, and of the national aversion to the yoke of the transalpine barbarians. By these wars, however, the Alps were divested of their defensive terrors; the road to the most beautiful regions of Europe was laid open; and the Italians were taught, that the nations beyond the mountains had acquired the rudiments of the art of war, and had increased in territory and numbers, so much that the attempt of the feeble states of Italy to cope with them in the field became vain.

Spain had now reached the highest point in her fortunes, and had prospects more bright than any other country could boast. The fall of Grenada established the Christian authority in every province of the peninsula; and the discovery of a new world seemed to open boundless hopes of splendour, wealth, and power. The connection of John of Gaunt and his children with the royal families of Spain and Portugal facilitated, perhaps, that union between Spain and England, to which both were attracted by common interest. This union appeared to be cemented by the marriage of Arthur prince of Wales to Catherine, the daughter of Ferdinand and Isabella: and if a human victim was sacrificed at the celebration of these unhappy nuptials, it does not appear, from the temper of those who have related that horrible crime, that it either excited the indignation of contemporaries or the remorse of the assassins.

In the treaties of peace with France, and of alliance with Burgundy, a stipulation of no small importance to Henry's quiet was obtained by him, — that no rebel subjects of either power should be harboured or aided by the other. It is observable that the treaty of Etaples with France was ratified by the three estates of Aquitain, Normandy, and Languedoc, and probably of all the considerable provinces of France*; and that in a few months after, the same treaty, from which hopes

* Rymer, xii. 592, &c.

were doubtless entertained of lasting quiet, was confirmed and ratified by the three estates of the parliament of England, represented on that occasion in a manner unusual, if not unexampled, by deputations from the three estates in each bishopric in the kingdom.* It may be added, that the king did not conclude the peace of Etaples till more than twenty of the highest class of his subjects had addressed him as follows: — "We all and every of us humbly beseech and require (*request*) the king's grace tenderly to take to his gracious consideration the jeopardies likely to ensue; and for the conservation of his royal person, of us his subjects, and also of his realm of England, to accept the said peace." †

Peace was also concluded with Scotland; and Margaret Tudor, the king's eldest daughter, then given in marriage to the Scottish king, became the stock from whom sprung all the sovereigns who have since reigned in Great Britain. This princess had been solemnly wedded on behalf of king James, by his proxy, Patrick Hepburn earl of Bothwell, in the palace of Richmond, on the 27th of January, 1503. She did not begin her journey to Scotland till the following summer, where, on the 8th of August, the marriage was completed, and the queen was crowned with the usual parade. This union gave quiet to the borders, and established friendship between the monarchs, which a little while before was foreign to the minds of both. In the year 1491, a very singular incident occurred, which has received less notice than it deserves from historians, either as a specimen of the sentiments of good will, of good faith, or of international law which were then almost openly avowed by European princes.‡ On the 16th of April in that year, a secret agreement was entered into by Henry at Westminster, with John lord Bothwell § and sir Thomas

* Rymer, xii. 710. Commoners or persons not knighted are called "Quamplures alii."

† Id. 490. Request and supplication of the captains of England for a peace, November, 1492.

‡ Rymer, xii. 440.

§ The signature in Rymer is Bothvaile, though in the body of the agreement the usual manner of writing Bothwell is adopted by the English clerk.

Toddie, Scottish knights, by which it was stipulated "that the right honourable lord James earl of Boughan (probably Buchan), and the said sir Thomas, should take, bring, and deliver into the said king of England's hands the king of Scots now reigning, and his brother the duke of Roos (Ross), or at least the said king of Scotland: the king of England, for the achieving of their said purpose, having lent and delivered unto them (Boughan and Todd) the sum of 266*l.* 13*s.* 4*d.*, to be by them repaid to him." Of this extraordinary conspiracy we have no information but that which this document contains. We know, however, that John Ramsay of Balmain, created lord Bothwell in 1486, was one of the favourites whose invidious ascendant over James III. brought defeat and death on that prince in 1488 at Stirling; and there can be no doubt that he and Todd had been driven to take shelter in England by the violence of the victorious factions, for their adherence to the cause of that obnoxious prince. Whether they were influenced by indigence, or actuated by a desire of revenging the death of their master; whether they were seduced by Henry, or courted his aid; are questions which no historical evidence known to be extant will enable us to answer. Other parts of Bothwell's life warrant the worst interpretation of his actions. Though he was pardoned by James IV., we find him, within two years of his pardon, acting as a spy for Henry VII. at the court of Edinburgh.*

The conduct of Henry, however, which is more important, can occasion no difference of opinion or hesitation of judgment. James IV., for whose abduction this plot was formed, was then in the nineteenth year of his age, and already ranked as the most accomplished of the royal youth of Europe. One of the truces which had served for nearly a century as substitutes for treaties of peace between the two British nations was now recognised as in force by both parties. It was concluded on the 20th of February, 1491, and was to be in force

* Pinkerton, i. 27. Douglas's Peerage.

to the 20th of November, 1492. The ink with which the articles of the truce were written was scarcely dry, when a new agreement was executed by the king of England to tear James from his palace, and to drag him to a foreign prison. That young prince naturally, but it seems vainly, trusted, that if neighbourhood and consanguinity, and the dignity of crowns, did not secure him against these perfidious machinations, at least he might repose under the faith of a treaty of armistice which was the latest solemn transaction between the two nations. Death, accidentally or intentionally, was so natural a consequence of the projected outrage, that a statesman so sagacious as Henry must have been prepared for its probable occurrence. To reduce this murderous purpose to paper is a contempt of shame and infamy rarely exhibited by assassins. To clothe it with all the formalities of a treaty, to bestow on it the solemnities intended for the preservation of peace and justice, is not only to bid defiance to all principles of morality, but to trample under foot the last fragments of a show of duty between nations. It might be alleged, indeed, that as there is no evidence of any attempt being made to carry this agreement into execution, the offer may have been finally rejected by the English monarch. But, in answer, we may ask how the wages of the assassins were paid beforehand. A mind must be little susceptible of honourable scruples, which has steadily contemplated such a project, and taken measures so serious to realise it.

The king on another occasion showed symptoms of dispositions of the same nature. Philip the Fair, the son of the emperor Maximilian, being on a voyage to Spain, was driven by storms into Weymouth, in January, 1506. Wearied by sea sickness, he ventured to trust himself on shore against the advice of his more wary counsellors. Trenchard and Carey, two gentlemen of the west, understanding it to be the maxim of their master to consider strangers as enemies, immediately brought together an armed force. They appeared before Weymouth, and invited Philip to remain with them until they should

apprise their sovereign of the arrival of this illustrious guest. Henry despatched the earl of Arundel with directions to offer an immediate visit from the king to Philip. The latter prince felt that he was no longer master of his own movements, and, anticipating the king's visit, repaired to Windsor, to pay his court to his royal kinsman, who received him with every mark of friendship and honour, but soon began to turn to account the involuntary residence of Philip in the English dominions. Occasion was now taken to obtain a renewal of the treaties of commerce and alliance, which, if they contained no amendment unduly favourable to England, owed their freedom from actual wrong more to the unskilfulness than to the honesty of the more powerful party.*

But the persecution of a Yorkist was still the favourite pursuit of the English monarch. He chose a moment of courteous and kind intercourse to sound Philip on the means of removing the jealousy, or satisfying the revenge, of which one of the most unhappy of these exiles was the object. "Sir," said Henry to Philip, "you have been saved upon my coast; I hope you will not suffer me to be wrecked on yours." The latter asked what he meant. "I mean," said the king, "that hair-brained wild fellow, the earl of Suffolk, who is protected in your dominions." — "I thought," replied Philip, "your felicity had been above such thoughts; but if it trouble you, I will banish him." — "These hornets," said the king, "are best in their nest, and worst when they fly abroad. Let him be delivered to me." — "That," said Philip, "can I not do with my honour, and less with yours; for you will be thought to have used me as a prisoner." — "Then," said the king, with ready shrewdness and craft, "the matter is at an end; for I will take that dishonour upon me, and so your honour is saved." Philip closed the conversation with equal quickness and more honourable address: —

* The Flemings, however, thought otherwise; for they called the treaty *Intercursus malus*, as the great commercial treaty was called *Intercursus magnus*. These treaties are in Dumont, Corps Diplom. ii. 30. 76. 83.

"Sir, you give law to me; so will I to you. You shall have him; but upon your honour you shall not take his life." * The very ill-fated man in question was John de la Pole, the nephew of Edward IV. He was committed to the Tower on his arrival in England. The king kept the word of promise during the short sequel of his own reign, but left directions for perpetrating the perfidious murder among the dying injunctions to his son. The command was not executed till the 30th of April, 1515, when Henry VIII. was about to invade France. It being said, that "the people were so well affected to the house of York as that they *might* take Edmund de Pole out of the Tower and set him up, *it was thought* fit that he should be despatched out of the way; whereupon they cut off his head." †

The object of Philip's winter voyage to Spain suggested thoughts not likely to calm the apprehensions by which Henry was haunted after the deaths of the queen and of Arthur prince of Wales. Ferdinand king of Aragon, by his marriage with Isabella queen of Castile, had united all the Christian territories of the peninsula except Portugal. But as Isabella retained her independent sovereignty over Castile, the continuance of the union of the two crowns depended on the lives of the two sovereigns. When Isabella died, on the 25th of November, 1504, Castile and its dependencies were inherited by Joanna her eldest daughter, the wife of Philip the Fair. That unfortunate princess, surrounded as she was with all the majesty and magnificence of the world, was not only sunk below the duties of royalty, but unable to taste its amusements and gratifications. She was early reduced to a state of mental disorder, which fluctuated between a sluggish melancholy and the illusions of insanity. Her fond passion for her husband, ill requited from the commencement of the union, was rendered fulsome and loathsome by her malady; and it was not till his decease, when she herself was in the sixth month of her pregnancy, that she had a full scope

* Bacon, iii. 397. † Dugdale, ii. 190.

for her wild but harmless fancies, which indulged themselves by arraying him in his royal ornaments, and watching by the bed of state for his restoration from death.

In consequence of her total incapacity, Ferdinand, though he proclaimed Joanna and Philip king and queen, at the same time declared himself regent of that kingdom, in virtue of Isabella's will, of the assent of the Cortez, and of a real or supposed ancient custom of the monarchy.* Philip, who carried every where the poor lunatic with whose name he covered his power, was, at the time of his visit to England, on his voyage for the recovery of the regency of Castile; which attempt, being seconded by the dislike of the Castilians for Ferdinand and the Aragonese, very speedily succeeded. But his success was almost immediately followed by his death, while his wretched wife was doomed to bear the burden of life for nearly fifty years longer.†

These occurrences seemed to foreshow the danger to which Henry might be exposed by circumstances in the condition of his own family not wholly dissimilar. The death of Elizabeth has already been mentioned. Arthur prince of Wales espoused Catharine of Spain, on the 14th of November, 1501: he died on the 2d of April following. A treaty was signed in June by Henry, and in September by Ferdinand and Isabella, for the marriage of Henry, then prince of Wales (afterwards Henry VIII.), to his brother's widow.‡ This union was sanctioned by a bull of pope Julius II., certainly indicating no doubts of the extent of his authority, and no misgivings of the validity of his dispensation, in which, after reciting the previous marriage§, he proceeds to pronounce that even if the union with Arthur were perhaps consummated, yet he, by the present dispensation, relieves both parties from all censure which might be otherwise incurred by

* Bacon, iii. 302.

† She died in 1555, only three years before the death of her son Charles, called the Fifth in Germany, and the Second in Spain.

‡ Rymer, xiii. 76. Sep. Kal. Jan. 1503, which I understand to be the 26th of December of that year. Nicholas Calendar, 58.

§ Ibid. 89.

such an alliance, dispenses with the impediment to their nuptials which the affinity had caused, authorises them to solemnize their marriage, and to remain conjoined in lawful wedlock; and, lastly, as a necessary consequence, decrees that the children who may be the progeny of their union shall be held and deemed to be legitimate. The prince of Wales was then in his thirteenth year, and his aspiring and domineering character probably even then betrayed a determination to assert all his plausible pretensions.

None of the sayings recorded of Henry VII., though he was called the Solomon of England, show so much sagacity as his answer to the counsellors who objected to the Scottish marriage, that the kingdom might by that connection fall to the king of Scotland. "Scotland would then," said he, "become an accession to England, not England to Scotland; the greater would draw the less: it is a safer union for England than one with France." *

An examination of the laws of this reign would neither suit the purpose nor the limits of this undertaking. Several reforms in private legislation, principally founded, however, on practice introduced by the judges, honourably distinguish it from many others.† The statute-book attests the universal distempers of the community during the civil wars, and bears frequent marks of the vigorous arm of a severe reformer, employed in extirpating the evils of long licence. Of these, not the least remarkable is the act commonly entitled The Act for the Authority of the Star Chamber‡, of which the first object seems to have been the suppression of the unlawful combinations which endanger the public quiet, or disturb the ordinary dispensation of law. No words in the statute expressly comprehend libels or other political misdemeanors, in which the court of the star chamber became deservedly odious. Neither does it appear from the statute that the name of Star Chamber was then bestowed upon it, or that it was regularly composed

* Bacon, iii. 379.
† Mr. Hallam, Constitutional History. Reeves's History of English Law.
‡ 2 Hen. VII. c. 1.

of the king's council, either ordinary or privy. The early history of these councils is obscure; but they appear to have derived jurisdiction sometimes from acts of parliament, and oftener, perhaps, to have assumed it by an usurpation, which usage in due time legitimated. The court established by this statute was composed of the chancellor, the treasurer, the privy seal, "calling to themselves a bishop and a temporal lord of the king's most honourable council," and the two chief justices; and they appear early to have appropriated to themselves many fragments of the authority anciently exercised by the council, as well as to have stretched their jurisdiction beyond the boundaries prescribed to it by the statute. A tribunal composed of five of the king's servants, removeable by him at pleasure, invested with a right of selecting two other members on whose subserviency they could best rely, would have had resistless temptations to incessant encroachment on the rights of the subject, even if the judges had not been so powerful as to defy all ordinary consequences, and if the very letter of the law had not quickened their passion for discretionary powers, by alleging the disturbance and failure of justice in its ordinary course through juries, as the reason for the establishment of the new tribunal. Their jurisdiction over juries, in effect, subjected the laws to their will. When they animadverted on a verdict, they had an opportunity of re-trying the cause in which it was given, and thus of taking cognizance of almost all misdemeanors, especially those of a political nature, which they might plausibly represent as offering most obstacles to the course and order of the common law. From these and the like causes sprang that rapid growth of the arbitrary power of this court, which, if the constitution had not overthrown, must have worked the downfall of the constitution.*

Lord Bacon, indeed, tells us, that "this court is one of the sagest and noblest institutions of this kingdom."

* See Mr. Hallam's Constitutional History, chap. i., a work from which I seldom differ, and never without distrust of my own judgment.

"There was always a high and pre-eminent power in causes which might concern the commonwealth; which, if they were criminal, were tried in the star chamber." "As the chancery had the prætorian power for equity, so the star chamber had the censorian power in offences under the degree of capital." *

Such opinions, expressed by a man whose fall from public life had released him from its restraints, in a book rather addressed to the king than to the people, are a pregnant proof how little the secret doctrines of eminent statesmen concerning the comparative value of various institutions may sometimes correspond to the language with which the plausibilities of political life may compel them to amuse the multitude.

In the year 1494 a law was passed, which provided that those who serve a king *for the time being* shall in no wise be convicted or attainted of high treason, nor of other offences, for that cause.† "The spirit of this law," says lord Bacon, "was wonderfully pious and noble‡," with much more justice, doubtless, than when he applied the like terms of honour to the court of star chamber. But we are left without the means of ascertaining what were the inducements of Henry to pass a law against which the historian insinuates some censure, as "being rather just than legal, and more magnanimous than provident." Monarchs and ministers seldom change the laws spontaneously on general grounds of policy. The greater part of them can seldom be roused by any stimulant weaker than a present and urgent interest to undertake innovation, from which they too much dread unforeseen evils. In this case the popularity of the measure among the nobility for saving their estates from forfeiture, was probably one of the motives of its adoption. There can hardly be any doubt that the apprehension of danger to the king himself, if he survived the queen, from the prince of Wales, or from any one of the numerous body who, being legitimate descendants of the Plantagenets, had better claims than he to inherit the

* Bacon, iii. 224. † 2 Hen. VII. c. i. ‡ Bacon, iii. 310.

crown, was another and probably a very prevalent motive for passing the law.

After all, perhaps, it was chiefly owing to the ruling passion of the king's public life, a furious zeal against the partisans of the house of York. This act of parliament tacitly condemned their distinction between actual and legitimate kings, and satisfied his revenge for the insult which had been offered to all the Lancastrian princes by branding them as usurpers.

It might, perhaps, be plausibly stated by the advocates of Perkin, that this act, passed in 1494, is a testimony to the importance of the pretender, and affords a proof that Henry entertained fears from him, which can only be explained reasonably by a suspicion, if not a conviction, of his legitimacy. The other causes, however, seem to be adequate; and it appears to be a more natural inference, to consider as proofs of Henry's contempt for the title of the pretender, that such a law was then passed, and that not long after Perkin was pardoned, and might have probably lived as long as Simnel, if it had not been convenient to use his death as one of the means of bringing Warwick to destruction.

Henry, prompted by the marvellous tales of gold and silver in America, which the Spanish adventurers had spread over Europe, commissioned a Venetian mariner, Sebastian Cabot, who was settled in Bristol, to fit out a small squadron for the discovery, conquest, and occupation of the lands beyond the western ocean, inhabited by heathens and infidels, and till these times unknown to Christians.*

Unaided as he was by the niggardly king, it was not until 1497 that Cabot succeeded in fitting out one ship from Bristol, and three small vessels from London, fraught with some gross and slight wares adapted for commerce with barbarians.† He related on his return, that he had sailed to the north-westward as far as the coast of Labrador, in the sixty-eighth degree of

* Rymer, xii. 595. 5th March, 1496.
† Bacon, iii. Macpherson's Hist. of Commerce, ii. 2.

north latitude, and that he had coasted the vast territories to the southward of the gulf of Florida. Whether Cabot, or Columbus himself, or Amerigo Vespucci, a Florentine, was the first European who saw the continent since called America, has been disputed with a zeal which often burns most fiercely in questions seemingly the least adapted to kindle passionate controversy.

The commercial treaty between England and Burgundy, in 1496, called "the great intercourse," is not only an important event in the history of the most industrious and opulent of the Transalpine states, but deserves attention, as foreboding those revolutions in the state of society both in Europe and America, with which the great importance ascribed to such negotiations now shows that the world was pregnant. A reciprocal liberty of trading in all commodities to each other's ports without passport or licence, and of fishing on the coasts of either party, was stipulated. They agreed to protect each other from wrong by pirates. All ship-masters were required to find security that they shall not commit piracy against the contracting parties. The ships of one party, driven by storm or enemies into the havens of the other, were entitled to protection during their stay, and may freely depart when they please. The licentious practice of pillaging ships wrecked on their coast was restrained till a year shall elapse from the time of the wreck. The privileges of the traders of one nation on the land of the other were secured. The arrest of foreign debtors was regulated. The importation into either country of the goods of its enemy was forbidden. An attempt was even made to abolish one branch of that species of private war which civilised nations even at this day carry on. It was stipulated that no letters of marque or reprisal should be granted to individuals, till after due warning to the sovereign of the wrong-doer, and "that all such letters shall be now recalled, unless it be otherwise determined by a congress of both parties." *

* Dumont, Corps Diplom. iv. 30. 83. Rymer, xiii. 6. 132. Macpherson's Annals of Commerce, ii. 8.

Some of the articles of this treaty, which mitigate the excesses of war, indicate, if not a sense of justice, which must be equal and universal, at least a sense of common interest, which is the road to the higher principle. No other transaction had before so strongly evinced that Europe began to recognise a reciprocity of rights and duties between states, and to reverence a code of rules and usages as much morally obligatory on nations as the ordinary maxims of private duty are on the conscience of individuals.

The vast importance of a free and active exchange of all the products of human industry manifestly appears, from this treaty, to have become an article in the political belief of some in the states, which had been taught the value of traffic by experience. When we now read such national transactions, we feel our approach to those mighty but then unobserved changes which were about to raise the middle classes of men to more influence than they had ever before enjoyed; to restore personal property to that equality with real, of which the feudal institutions had robbed it; in due time to extend political importance to the lowest limits of liberal education; and at length to diffuse that education so widely as to alter the seat of power, and to bring into question many opinions hitherto prevalent amongst statesmen.

That the rise of the pacific and industrious classes should coincide with the discoveries of a new continent and of eastern commerce, can only be thought accidental by shallow observers of human affairs. When we consider the previous discoveries, the coincidence of the voyages of Columbus with that of Gama, and with the conclusion of the treaty now under consideration, it appears evident that the growing wealth of the trading body was the parent of the passion for discovery, and the most important agent in the expeditions against the new world. The attractions of romantic adventure, the impulse of the fancy to explore unknown lands, doubtless, added dignity to such enterprises, and some of the higher classes engaged in them with a portion of the warlike and proselytising spirit of cru-

saders. But the hope of new produce, and of exchanges more profitable, were the impelling motives of the discovery. The commercial classes were the first movers. The voyages first enriched them, and contributed in the course of three centuries to raise them to a power of which no man can now either limit the extent or foretell the remote consequences. As America was discovered by the same spirit which began to render all communities in their structure more popular, it is not singular that she should herself most widen the basis of government, and become the most democratical of states. That vast continent was first settled for her rich commodities. She is now contemplated at a higher stage of her progress,—for her prospects, her men, and her laws, to which the wisest men will not be the most forward to apply the common-place arguments and opinions founded in the ancients systems of Europe.

The hoard amassed by Henry, and "most of it under his own key and keeping in secret places at Richmond," is said to have amounted to near 1,800,000*l.* which, according to our former conjectures, would be equivalent to about 16,000,000*l.*; an amount of specie so immense as to warrant a suspicion of exaggeration, in an age when there was no control from public documents on a matter of which the writers of history were ignorant. Our doubts of the amount amassed by Henry are considerably warranted by the computation of sir W. Petty, who, a century and a half later, calculated the whole specie of England at only 6,000,000*l.* This hoard, whatever may have been its precise extent, was too great to be formed by frugality, even under the penurious and niggardly Henry. A system of extortion was employed, which "the people, into whom there is infused for the preservation of monarchies a natural desire to discharge their princes, though it be with the unjust charge of their counsellors, did impute unto cardinal Morton and sir Reginald Bray, who, as it after appeared, as counsellors of ancient authority with him, did so second his humours as nevertheless they did temper them. Whereas Empson

and Dudley, that followed, being persons that had no reputation with him, otherwise than by the servile following of his bent, did not give way only as the first did, but shaped his way to those extremities for which himself was touched with remorse at his death." * The means of exaction chiefly consisted in the fines incurred by slumbering laws, in commuting for money other penalties which fell on unknowing offenders, and in the sale of pardons and amnesties. Every revolt was a fruitful source of profit. When the great confiscations had ceased, much remained to be gleaned by true or false imputations of participation in treason. To be a dweller in a disaffected district, was, for the purposes of the king's treasure, to be a rebel. No man could be sure that he had not incurred mulcts, or other grievous penalties, by some of those numerous laws which had so fallen into disuse by their frivolous and vexatious nature as to strike before they warned. It was often more prudent to compound by money, even in false accusations, than to brave the rapacity and resentment of the king and his tools. Of his chief instruments, "Dudley was a man of good family, eloquent, and one that could put hateful business into good language. Empson, the son of a sieve-maker of Towcester, triumphed in his deeds, putting off all other respects. They were privy counsellors and lawyers, who turned law and justice into wormwood and rapine." † They threw into prison every man whom they could indict, and confined him, without any intention to prosecute, till he ransomed himself. They prosecuted the mayors and other magistrates of the city of London for pretended or trivial neglects of duty, long after the time of the alleged offences; subservient judges imposed enormous fines, and the king imprisoned during his own life some of the contumacious offenders. Alderman Hawes is said to have died heart-broken by the terror and anguish of these proceedings. ‡ They imprisoned and fined juries who hesitated to lend their aid when it was deemed convenient to seek it. To

* Bacon, iii. 409. † Ibid. iii. 380. ‡ See examples in Bacon, iii. 404.

these, lord Bacon tells us, were added "other courses fitter to be buried than repeated."* Emboldened by long success, they at last disdained to observe "*the half face of justice*†," but summoning the wealthy and timid before them in private houses, "shuffled up" a summary examination without a jury, and levied such exactions as were measured only by the fears and fortunes of their victims.

Henry, who had enjoyed sound health during his life, was, at the age of fifty-two, attacked by a consumption, which early in the distemper he deemed likely to prove fatal. He died on the 22d day of April, 1509, in the twenty-fourth year of a troublous but prosperous reign, in his palace at Richmond, which he had himself built. He was interred in that beautiful chapel at Westminster which bears his name, and which is a noble monument of the architectural genius of his age. He was pacific though valiant, and magnificent in public works, though penurious to an unkingly excess in ordinary expenditure. The commendation bestowed on him, that "he was not cruel when secure‡," cannot be justified otherwise than as the general colour of his character, nor without exceptions, which would allow a dangerous latitude to the care of personal safety. His sagacity and fortitude were conspicuous, but his penetrating mind was narrow, and in his wary temper firmness did not approach the borders of magnanimity. Though skilled in arms, he had no spirit of enterprise.

No generosity lent lustre to his purposes; no tenderness softened his rigid nature. We hear nothing of any appearance of affection, but that towards his mother, which it would be unnatural to treat as deserving praise, and which in him savoured more of austere duty than of an easy, delightful, and almost universal sentiment. His good qualities were useful, but low; his vices were mean; and no personage in history of so much understanding and courage is so near being despised. He was a man of shrewd discernment, but of a mean spirit and

* Bacon, iii. 382. † Ibid. 381. ‡ Ibid.

a contracted mind. His love of peace, if it had flowed from a purer source, would justly merit the highest praise, as one of the most important virtues of a ruler; but in Henry it is deeply tinged by the mere preference of craft to force, which characterises his whole policy. In a word, he had no dispositions for which he could be admired or loved as a man. But he was not without some of the most essential of those qualities which preserve a ruler from contempt, and, in general, best secure him against peril: activity, perseverance, foresight, vigilance, boldness both martial and civil, conjoined with a wariness seldom blended with the more active qualities, eminently distinguished his unamiable but commanding character.

His religion, as far as we are informed, never calmed an angry passion, nor withheld him from a profitable wrong. He seems to have shown it chiefly in the superstitious fears which haunted his deathbed, when he made a feeble attempt to make amends for irreparable rapine by restoring what he could no longer enjoy, and struggled to hurry through the formalities of a compromise with the justice of Heaven for his misdeeds.

CHAP. IV.

HENRY VIII.

TO THE REFORMATION.

1509—1547.

Henry VIII. ascended the throne of England on the 20th day of April, 1509. He was the first prince for more than a century who had ruled that kingdom with an undisputed title. Every other monarch since the deposition of Richard II. had been accounted an usurper by a portion of the people. Henry united in himself

the titles of York and Lancaster; he had no visible competitor for the crown, nor was he disquieted by the shadow of a pretender; for the descendants of John of Gaunt through the royal families of the Spanish peninsula, never having disturbed England by setting up pretensions, cannot with propriety be called pretenders. Their claims, forgotten perhaps by themselves, and obstructed by the formidable impediments of distance and language, were scarcely legible by the keen eye of the most peering genealogist.*

He was crowned at the age of eighteen; a period of life which a bystander naturally regards with indulgence, with hope, with a warm fellow-feeling in its joys. The cure of youthful disorders was entrusted to experience; and though his youth unfitted him for the arduous duties of royalty, such considerations cannot consistently be allowed to have much weight in a hereditary government. The prospect of the length of his reign was enough to deter the timid and the selfish from incurring his displeasure, and disposed the greater number of courtiers and statesmen to vie with each other in eagerness for the favour of a master whom few of them could hope to survive. The description of him, ten years after his accession, by a Venetian minister in London, shows the lively impression made on grave personages by the gifts and graces with which nature had loaded the fortunate and not unaccomplished youth. "His majesty is about twenty-nine years of age†, as handsome as nature could form him, above every other Christian prince; handsomer by far than the king of France (Francis I., then in the flower of youth), he is exceeding fair, and as well proportioned in every part as possible. He is an excellent musician and composer, an admirable horseman and wrestler, and pos-

* Sandford's Genealogical History of the Kings of England, 248. 256. 260. John of Gaunt's eldest daughter Philippa was queen of Portugal. His third daughter Catherine was queen of Castile. Her grand-daughter Isabella was the wife of Ferdinand of Aragon. The heirs of these princesses may, perhaps, be found in the houses of Braganza and Austria. Their blood flows in the veins of most of the reigning families of Europe.

† More exactly, twenty-eight.

sesses a good knowledge of the French, Latin, and Spanish languages. On the days on which he goes to the chace he hears mass three times, on other days he goes as often as five times. He has daily service at vespers in the queen's chamber. He is uncommonly fond of the chase, and never engages in it without tiring eight or ten horses. He takes great delight in bowling; and it is the pleasantest sight in the world to see him engaged in this exercise, with his fair skin covered with a beautifully fine shirt. Affable and benign, he offends none. He often said to the ambassador, 'I wish every one was content with his condition; we are content with our islands.' He is very desirous of preserving peace, and possesses great wealth." Yet even in his golden age, closer and keener observers had remarked, that "he is a prince of royal courage, and hath a princely heart, and rather than he will miss or want any part of his will or appetite, he will put the one half of his reign in danger. I warn you to be well advised what matter ye put in his head, for ye shall never put it out again." *

No historian has failed to relate what was originally told by Paolo Sarpi, that Henry VII. educated his second son for the church, in order to provide for him amply without charge to the crown, "to leave a passage open to ambition †" (of which a father more shrewd than fond already perhaps descried the seeds), which, with safety to the quiet of England, might be thus turned towards the papal tiara. A writer ‡, who did not allow his matchless acuteness as a metaphysician to disturb the sense and prudence which are more valuable qualities in an historian, has deplored the time wasted by the royal youth on the writings of Aquinas; rightly, if the acquirement of applicable knowledge be the sole purpose of education; but not so, certainly, if it rests on the supposition that any other study could have more strengthened and sharpened his reasoning powers.

* Cavendish's Life of Wolsey. Ellis.
† Lord Herbert. ‡ Hume.

His council was composed, by the advice of the countess of Richmond, his only surviving parent, from a judicious selection of his father's least obnoxious ministers. Archbishop Morton, chancellor; bishop Fox, secretary; Surry, the treasurer; Shrewsbury, the high steward; Somerset, the chamberlain; Lovel, Poynings, Marney, and Darcy, with Ruthall, a doctor of civil law. It is remarked as a singularity by lord Herbert, that his council contained no common lawyers; perhaps from the odium brought upon the profession by Dudley and Empson, which alienated the king from them during the early part of his reign, though he was always glad to find a pretext, if he could not discover a ground, for his measures in the common law.

The solemnities of his father's funeral being completed, he was to determine, before his coronation, whether he should fulfil the nuptial engagement with his brother's wife, against which he had secretly *protested*, in order to reserve to himself the liberty of a more active dissent in due season. It is hard to suppose that any serious deliberation should arise on the question of fulfilling sacred engagements to a blameless princess, the richly portioned daughter of a powerful monarch, then probably the most natural and useful ally of England. If any doubt then occurred of the validity of the marriage, the last moment for trying the question was at that time come. Faith and honour, if not law, required that actual acquiescence in its legality at that moment should be deemed to silence all such objections to it for ever. Ample time had been indeed allowed for a more thorough and speedy examination of scruples, for the dispensation of pope Julius II. had been in England six years.

Henry and Catharine were finally joined in wedlock on the 6th of June, 1509, about six weeks after his father's demise. They were crowned on the 24th of the same month, with a splendour which those who are curious about the shows and manners of that age will find painted by the chroniclers.*

* Hall. Holinshed.

When Dudley and Empson were brought before the council, the latter is reported to have delivered a speech abounding in the ingenious turns of a rhetorician, but glaringly defective in whatever constitutes an effective defence, and even without that resemblance to it which dramatic propriety would require in the mouth of a man earnestly contending for his life. The substance of his speech consisted in a complaint that he was now prosecuted for obeying and causing others to obey the laws; to which it was answered, "that he should be brought to trial only for passing the bounds of his commission, and for stretching laws in themselves very severe."* From these charges, however, it was discovered that no ingenuity could extract a capital accusation; and perhaps the ministers were ashamed of bringing men to the scaffold for acts at which they had themselves connived, if they did not share them with their late colleagues. To obviate these inconveniences, it was thought fit to indict them for a conspiracy, during the last illness of Henry, to seize on London with an armed force, and to assume the powers of government as soon as his demise was known. Of the conspiracy, which, if it were true, would certainly amount to treason, Dudley was convicted at London, on the 16th of July, 1509, and Empson at Northampton, on the 1st of October. They were attainted in the next parliament.† The bill of attainder passed the house of peers in two days‡, without the appearance of dissent from one man, in an assembly composed of thirty-six temporal§ and forty-seven spiritual lords, under circumstances when it is hard to suppose that the majority did not consider the charge as incredible. It was, perhaps, intended to secure the delinquents by the excessive severity of the punishment. They were suffered to remain in jail till August; but the people raised a loud and honest, but fierce cry against the real crimes. There are none who are held in such just contempt by an arbitrary

* Lord Herbert, in Kennet, iii. 3—5.
† January 21. 1509—1510. ‡ Lords' Journals, Feb. 21. 1510.
§ There were only about twenty-seven temporal lords present at the first parliament of Henry VIII.

government as their own tools. The ministers, regarding the lives of the extortioners as formally forfeited, thought the sacrifice of their heads a cheap mode of appeasing the multitude, who in reality demanded justice only, but, being ignorant of what was or ought to be law, gave occasion to the infliction of an unjust death for an imaginary crime on these great delinquents. The speedy reversal of the attainders, on the petitions of their sons, seems to show the general belief of the groundlessness of the charge of conspiracy.*

Louis XII., otherwise a good prince, though his character has been injured by undue praise, was, like his predecessor, allured by visions of conquest in Italy, which was then called "the grave of the French."† A regard to the principle of preventing a state from unjustly aggrandizing herself so as to endanger her neighbours both by the example and by the fruits of triumphant iniquity, had been in some degree practised among the subtle politicians of Italy before it attracted much attention from the great Transalpine monarchs, who were too powerful, turbulent, and improvident, to think much of distant and uncertain danger. The petty usurpers and declining commonwealths of Italy, like those of ancient Greece, whose contracted territory daily exposed them to a surprise of their capital and the loss of their independence, were under the necessity of jealously watching the slightest vibration in the scales of the balance. Their existence might be hazarded by a moment's slumber. Among them, therefore, the balancing policy became the cause of some wars, and the pretext of others. Under this colour, Julian de la Rovere, a politic and ambitious pontiff, found it easy to rouse the envy of the European sovereigns against Venice for her riches and grandeur, on which they looked with all the passions kindled in the minds of freebooters by a view of the booty which glitters among the mag-

* Billa restitut. pro heredibus Edmundi Dudley. Lords' Journals, i. 16. Empson's Petition. Id. 14.

† "Comines."—Few of La Tremouille's flourishing army returned to France in 1505, though a very small number perished by the sword. Guiccard. vi.

nificent works of industry.* The code of Venetian policy was, indeed, as faithless and merciless as the administration of the transalpine monarchs†; but the councils of the republic were more considerate and circumspect; they checked all needless cruelty, confined their tyranny to those who intermeddled with the affairs of government, and protected from wanton oppression those whose well-being was the basis of their own grandeur. Such was the terror and hatred inspired by the power of that renowned republic, that there were allied against her the pope and the emperor, the kings of France and Spain, with the Burgundian government.

The avowed object of the league of Cambray,—the first treaty which was the joint act of the representatives of all Christian princes,—was to require the republic to restore all her conquests, without any suggestion of the same restitution on the part of the allied powers.‡ Venice, thus attacked by all Christendom, made a manful stand, confident that, if she could bear the first shock, a coalition composed of discordant elements would of itself crumble to pieces. The Venetians, whose best army was routed§, suddenly recalled their garrisons from the fortresses on the main land, and released their continental subjects from the ties of allegiance; limiting themselves to the dominion of the sea, the possession of the colonies, and the defence of the native marshes which had been the ancient shelter of their infant independence. It is uncertain whether this measure solely arose from panic; or from a generous despair, which might see a glimpse of hope in this species of appeal to the people; or from the shrewdness and forecast of the craftiest of those whom they called "sages," who are likely to have foreseen that the desertion of the continent might excite the animosities incident to the division of rich spoils, and inspire some of the allies with apprehensions of the accession of too much power to others.

* Sismondi, Rép. Ital. xvii. 427.
† Daru, Histoire de Venise.
‡ Dumont, iv. p. i. 113.
§ May 14, 1509. Sismondi, xvii. 454.

The people of the Venetian provinces actually manifested an unexpected attachment to the republic, especially after experience of the effects of invasion; and the allies became daily more fearful that some of themselves might be dangerously aggrandised. Louis XII., the master of the Milanese, had a strong temptation to strengthen his territory by seizing on the neighbouring part of the Venetian dominions. Neither Ferdinand nor Henry had any interest in the destruction of the republic. The emperor had at one time collected a vast army, and threatened to reconquer Italy, of which he held himself to be the legitimate sovereign. But poverty dispersed his troops, and exposed his pretensions to ridicule. Julius II. gradually caught those more natural and generous sentiments, which disposed him to promote a league for the expulsion of the barbarians from Italy. With this view he sought the aid of the Swiss, a brave and hardy people, who, though weak in men-at-arms, hitherto the main strength of armies, were celebrated for their excellent infantry, a species of force of which the growing importance indicated the progressive improvement of the art of war. The wars which sprung from the league of Cambray languished under various forms till 1516, when they were closed by treaties which restored nearly all the territories of Venice: but from that moment her greatness declined. A blow was struck at her fame, which fatally affected her vigour. The cost of such a defence emptied her hoards; and the opening of the maritime trade with India dried up the sources from which they were wont to be replenished.

These Italian wars were the first events in which all the nations of Europe were engaged since the crusades. The civil wars of England had ceased; the great feudatories of France had become subjects; the nations of the Spanish peninsula were released, by the reduction of Grenada, from their natural task of watching over Mussulman ambition. At the same time, the contests of the houses of Arragon and Anjou for Naples led Spanish and French armies into Italy, where hostilities were af-

terwards kept up by the pretensions of the royal families of Valois and Orleans to the succession of the duchy of Milan. The jealousy, if not the arms, of England was excited by schemes of conquest on the part of her ancient ally, which proved in themselves sufficiently injurious to successive kings of France. Maximilian shone at the head of German and Burgundian hosts; but his lustre was momentary, and his victories were barren. The nations of Europe were thus, however, mingled, and the mass of Christendom began to form more remote and complicated ties with each other than in any former age. The period which followed would have been remarkable, if it had been chiefly distinguished by rulers so memorable, in various respects, as Leo X., Charles V., Francis I., and Henry VIII. The barbaric greatness of Solyman deserves notice; and it may surprise some readers to learn, that in the same period Hindostan was conquered by Baber, a sovereign who employed the pen and the sword with equal success.*

The counsels of Henry VIII. were divided, if we may believe lord Herbert, by a diversity of opinions concerning the fitness of the time for an attack on France. But, according to that historian's own account of the debate of the council, the arguments against the pursuit of this disastrous chimera preponderated so much as to render it doubtful whether the question could have been the subject of grave discussion among experienced statesmen. The blessing of the pope; the aid of Ferdinand; the possibility of succour from Maximilian; and the occupation of Louis XII. in Italy, are the only reasons assigned for the renewal of a war for the conquest of France,—a project still more visionary than the French schemes of aggrandisement beyond the Alps. On the other hand it was unanswerably urged †—"if, when Gascony and Normandy were ours, when the duke of Britany was our friend, and the house of Burgundy our

* Baber's Commentaries, translated partly by Dr. Leyden, completed and illustrated by Mr. W. Erskine; one of the most instructive, and, to well prepared minds, one of the most interesting publications of the present age.

† Herbert, 8.

assured ally, we could not advance our designs in that kingdom, what hope is there now to attain them? What though with 12,000 or 15,000 we have defeated their 50,000 or 60,000 men? stands it with reason of war to expect the like success still, especially since the use of arms is changed, and for the bow (proper for men of our strength) the caliver* begins to be used? a more costly weapon, requiring longer practice, and capable of being used by the weakest." If we must enlarge ourselves, let it be by the road which Providence seems to have appointed for us — by sea. The Indies are discovered, and vast treasures brought from thence; let us bend our endeavours thitherward. If the Spaniard and Portuguese suffer us not to join them, there will yet be region enough for all to enjoy." This was probably the earliest debate in an English council, on the often discussed question, whether Great Britain should aim at continental dominion, or confine her ambition to maritime greatness and colonial empire. The boyish vanity of Henry was, however, moved by the title of "most christian," held out by the pope, which tempted this young prince to send Young, the master of the rolls, with a message demanding his inheritance of Gascony, and in case of refusal denouncing war. The league against France received from the pope the title of the holy alliance; and Ferdinand prevailed on the English monarch to send his troops to Biscay, in order that, with the aid of a Spanish army, they might immediately recover Gascony, a splendid and legitimate dependency of the crown of England. The marquess of Dorset landed in Biscay with 10,000 troops, of whom 5000, though archers, carried also halberts, which they pitched on the ground till their arrows were shot, and then took up again, to do execution on the enemy. They were to be joined, in June, 1511, by a Spanish army of 1000 men-at-arms, 1500 light horse, and 6000 infantry, commanded by the duke of Alva. Ferdinand then alleged that it was impossible to cross the Pyre-

* A hand-gun, or arquebuse.

nees into Gascony till Navarre was secured; which exposed the invaders to have their communications cut off, and their retreat dependent on the faith of Jean d'Albret, the sovereign of that small kingdom, who had been excommunicated by the pope as an abettor of Louis against the holy alliance. Louis XII. required this border prince to declare for France, under pain of the confiscation of the province of Bearn, a fief of the French crown on the northern side of the Pyrenees. Ferdinand required the like declaration in his favour, with a threat that if it were refused he must secure himself by the seizure of Navarre. For several months he amused lord Dorset with promises of the immediate advance of the duke of Alva and the Spanish forces. In the meantime he took possession of Navarre, which is still subject to his successors. The English army, unused to discipline, worn down by intemperance* and disease, weary of the arts of Spanish procrastination, and negligently supplied with arms and provisions, exclaimed against the treachery of their allies, and with loud cries required their leaders to reconduct them to England. They had made their own condition worse, by burning and destroying the country. Discord broke out among their chiefs, some of whom went to England to represent the necessity of recalling the army. The king in vain sent a herald to command the army to remain in Spain; the discontents swelled into mutiny; and the reluctant leaders were compelled to land with their troops at Portsmouth, in December, 1512.† Ferdinand professed his resolution to adhere to the treaties, and to prosecute the invasion of Gascony. Henry affected satisfaction with his assurances, but was really displeased by the mutinous embarkation of his troops. The English minister sent with the army expressed the general sentiment concerning Ferdinand in a few significant words: "The king of Arragon is determined always

* "The Englishmen, for the most part, were victualled with garlick, and drank hot wines and ate hot fruits, whereby they fell sick, and more than eight hundred died." — *Stowe.*

† Knight's letters to Wolsey: second series of Ellis's Letters, i. 188. 210.

against a good conscience."* In the ensuing year, sir Edward Howard, the admiral, who thought no man fit to command at sea who was not almost mad, after ravaging the coasts of Britany, fought an action with a French squadron, of which the most remarkable result was the explosion of one of the English ships, which was accounted the largest vessel then in Europe.

Henry pursued his warfare with more success on the north-western frontier of France. He defeated the French army in an engagement on the 4th of August, 1513, afterwards called the Battle of the Spurs, in mockery of the vanquished, who were said on that day to have trusted more to their speed than to their valour. Terouenne and Tournay surrendered. But the event most alarming to him strictly belongs to Scottish history. James IV. king of Scotland was, like his forefathers, easily tempted by French counsels to an irruption into England, which Henry seemed to desert for continental aggrandisement. The earl of Surrey, commander of the English army on the borders, brought the Scots to action at Flodden Field on the 7th of September, 1513, where they were defeated with extraordinary slaughter. Among those who fell on that disastrous day were, the king, a prince of more than usual value to his army and people; his natural son, Alexander Stewart the primate, a favourite pupil of Erasmus; with twelve earls, thirteen lords, and four hundred knights and gentlemen; in which number we find, in that age without surprise, the bishop of the Isles, and the abbots of Kilwinning and Inchefray. So great a loss among the more conspicuous class seems to denote a carnage from which a narrow and disordered country could not soon recover. Margaret Tudor was ill qualified, at the age of twenty-four, to supply her husband's place. Her subsequent life was dissolute and agitated. She early displeased her brother by a marriage with the earl of Angus, the head of the potent house of Douglas; and her grandchildren, by two husbands, Mary

* Knight's Letters to Wolsey: second series of Ellis's Letters, i. 207.

Stuart and lord Darnley, were afterwards doomed to a fatal union.

The fate of James, together with the exhausted and languid state of all Europe, disposed Henry and Louis to peace. It was facilitated by the death of Anne of Britany, which enabled Louis to cement the treaty by marriage, in his fifty-third year, with Mary Tudor, one of the most beautiful young women of the two courts, at the immature and unbecoming age of fourteen. She was conducted to the court of France by Charles Brandon, a favourite of the king, who created him duke of Suffolk; a handsome youth, audacious enough to pay court to the princess. Louis received her with a doting fondness.* He died in a few weeks after marriage.† Brandon openly renewed his court to her. Henry intimated to Mary, that, if she must wed Brandon, the best expedient was to offend first, and beg forgiveness afterwards. By this marriage she became the stock of a body of claimants to the crown, who, notwithstanding the momentary occupation of the throne by lady Jane Grey, are not usually numbered among pretenders.

Thomas Wolsey had risen to trust and employment under Henry VII. After the return of Henry VIII. from his French campaign, in 1513, the administration of Wolsey began, which rapidly grew to be a dictatorship. It was overthrown only by the first shock of the religious revolution which has rendered this reign memorable. It is peculiarly difficult to form a calm estimate of a man to whose memory the writers of the two ecclesiastical factions are alike unfriendly; the catholics, for some sacrifices by a minister to the favourite objects of an imperious sovereign; the protestants, for the unwillingness of a cardinal to renounce the church, and to break altogether with the pope. Yet it was natural for Wolsey to confine his exertions for the king's service to quiet means, without assailing a church of which he was a dignitary of the highest class, whose authority he probably deemed useful, and whose doctrines it is not

* Ellis's Letters, second series. † Herbert. Kennett, iii. 22.

likely that he had ever regarded with positive disbelief.

Wolsey was of humble parentage, but not below the benefits of education. In that age the church was, what the law has been in modern times, the ladder by which able men of the lowest classes to which the opportunities of liberal education reached, climbed to the highest stations which a subject can fill. The rank attained by friars of the begging orders seems indeed to warrant us in ascribing a wider extension to this democratical principle of the middle age than to those which have succeeded it in modern times. He had many of the faculties which usually lead to sudden elevation, and most of the vices which often tarnish it. Pliant and supple towards the powerful, he freely indulged his insolence towards the multitude, though he was often kind and generous to faithful followers and useful dependants. The celibacy of his order stood in the way of accumulation of fortune. He was rapacious, but it was in order to be prodigal in his household, in his dress, in his retinue, in his palaces, and, it must be added in justice to him, in the magnificence of his literary and religious foundations. The circumstances of his time were propitious to his passion of acquiring money. The pope, the emperor, the kings of France and Spain, desirous of his sovereign's alliance, outbade each other at the sales of a minister's influence, which change of circumstances, and inconsistency of connection, rendered during that period more frequent than in most other times. His preferment was too enormous and too rapid to be forgiven by an envious world. Born in 1471, he became bishop of Tournay in 1513, of Lincoln, 1514, and archbishop of York in the same year. In 1515 he received a cardinal's hat, and in the same year succeeded archbishop Warham in the office of chancellor. In 1519 he was made papal legate, with the extraordinary power of suspending the laws and canons of the church. His expectations of the papacy itself did not appear extravagant. His

passion for shows and festivities, not an uncommon infirmity in men intoxicated by sudden wealth, perhaps served him with a master, whose ruling folly long seemed to be of the same harmless and ridiculous nature. He encouraged and cultivated the learning of his age; and his conversations with Henry on the doctrines of their great master Aquinas are represented as one of his means of pleasing a monarch so various in his capricious tastes. He was considered as learned; his manners had acquired the polish of the society to which he was raised; his elocution was fluent and agreeable; his air and gesture were not without dignity. He was careful, as well as magnificent, in apparel.

His administration of justice as chancellor has been celebrated by those who forget how simple the functions of that office probably then were; and his rigid enforcement of criminal justice appears only to have been a part of that harsh but perhaps needful process by which the Tudor princes rather extirpated than punished criminals, in order to reclaim the people from the long licence of civil wars. As he was chiefly occupied in enriching and aggrandising himself, or in displaying his power and wealth,—objects which are to be promoted either by foreign connections or by favour at court, it is impossible to determine what share of the merit or demerit of internal legislation ought to be allotted to him. His part in the death of the duke of Buckingham was his most conspicuous crime; yet, after all, it is probable that he was no worse than his contemporary statesmen. The circumstance most favourable to him is the attachment of dependants.

In April, 1517, the lower labourers of London, being offended that their chief customers were won from them by the diligence and industry of strangers*; instigated by Bell, a preacher, and led by Lincolne, a broker, rose in revolt for the destruction of foreigners; some of whom they killed, while they burnt the houses of others. They

* Herbert.

were subdued after some resistance. Of nearly three hundred prisoners, five ringleaders were hanged, drawn, and quartered; ten were hanged; the rest, in white shirts, and with halters round their necks, were led before the king at Westminster, surrounded by his principal nobles, where, on their knees, they craved mercy, and received it. Henry graciously permitted the gibbets, which much scandalised the citizens, to be taken down.

The interview of Henry with Francis I., between Ardres and Guines, in 1520, has been so frequently described, and is so well known as a characteristic specimen of the pomps and sports of the age, that it would be perhaps unnecessary to mention it in this place, if it were not an example of the assiduous address with which the continental princes ingratiated themselves with Henry, by a skilful management of his personal foibles, after they had discovered that he was the creature of impulse, who sacrificed policy to temper, and acted more from passion than interest. Influenced by these motives, Charles V. paid his personal court to Henry at Dover, when that monarch was on his journey to the tournament on the Field of the Cloth of Gold. The kings of France, England, and Spain were candidates for the imperial throne on the death of Maximilian in the end of 1519. Henry was amused by his competitors with expectations and excuses; but not seriously considered as a competitor by any of them. Charles V., who was elected emperor in June, 1520, made his visit of parade to Dover, partly to soothe the wounded vanity of the English king. The emperor, was, however, not enabled by this courtesy to prevail on Henry to abandon the jousts which were to be celebrated at his meeting with Francis.

About the same time with these festivities and amusements, a crime was perpetrated, which might be considered as the first of the king's offences, if it be not rather to be ascribed to the revenge of Wolsey, according to the account of historians of respectable authority.*

* Herbert.

Edward Stafford, duke of Buckingham, was the fifth in descent from Anne Plantagenet, daughter and heiress of Thomas of Woodstock, the youngest son of king Edward III. The line of his pedigree is marked in civil blood. His father was beheaded by Richard III.; his grandfather was killed at the battle of St. Alban's; his great grandfather at the battle of Northampton; and the father of this last at the battle of Shrewsbury. More than a century had elapsed since any chief of this great family had fallen by a natural death,—a pedigree which may be sufficient to characterise an age. Edward was doomed to no milder fate than his forefathers. Knivett, a discarded officer of Buckingham's household, furnished information to Wolsey, which led to the apprehension of his late master. As those who are perfidious must submit to the suspicion that they may likewise be false, it may be safely assumed that Knivett gave the darkest colour to whatever unguarded language might have fallen from his ill-fated lord. The most serious charges against that nobleman* were, that he had consulted a monk about future events; that he had declared all the acts of Henry VII. to be wrongfully done; that he had told Knivett, that if he had been sent to the Tower when he was in danger of being committed, he would have played the part which his father had intended to perform at Salisbury; where, if he could have obtained an audience, he would have stabbed Richard III. with a knife; and that he had told lord Abergavenny, if the king died he would have the rule of the land.† All these supposed offences, if they could be blended together, did not amount to an overt act of high treason; even if we suppose the consultation of the soothsayer to relate to the time of the king's death. The only serious imputation on his prudence rests on the testimony of the spy. Buckingham confessed the real amount of his absurd enquiries from the friar. He defended himself with eloquence. He was tried in the

* Herbert, 41. † Id. ibid.

court of the lord high steward, by a jury of peers, consisting of one duke, one marquess, seven earls, and twelve barons, who convicted him; although the facts, if true, amounted to no more than proofs of indiscretion and symptoms of discontent. The duke of Norfolk, lord steward for the occasion, shed tears on pronouncing sentence. The prisoner said, "May the eternal God forgive you my death, as I do!" The only favour which he could obtain was, that the ignominious part of a traitor's death should be remitted. He was accordingly beheaded on the 17th of May, 1521; while the surrounding people vented their indignation against Wolsey by loud cries of "The butcher's son!"

The events which occurred in England from the death of Buckingham in 1521 to the first public measures taken by Henry for a divorce, were not very numerous or important. The history of Europe during that period teems, indeed, with memorable occurrences, but their connection with the affairs of England is secondary, and their effects on the countries where they occurred is generally more brilliant than lasting. A brief summary will, therefore, suffice to conduct us to the dawn of those revolutions of religious opinion, which are so remote from the common path of the statesman that he generally disregards or misjudges them, till he is otherwise taught by fatal experience; which almost alike concern all nations, and of which the influence, as far as our dim foresight reaches, never will cease to be felt by the whole race of man.

The administration of Wolsey continued, seemingly with unabated sway, till 1527. That minister, who delighted as much in displaying as in exercising power, became at last unpopular from the haughtiness of his demeanour, rather than from his public measures. The principles, however, of his government gave just alarm. From 1516 to 1523 no parliament was assembled While the assembly which held the public purse was thus interrupted, an attempt was made to raise money by the expedients of forced loans and pretended benevolences,

which had already been condemned by the legislature. But these attempts produced more discontent than supply: the parliament which met in 1523 manifested a displeasure, which shows the distrust and apprehension of Wolsey entertained by these assemblies. We have an account of their temper and deportment from an eye-witness, which is not a little remarkable*: — "There has been the greatest and sorest hold in the lower house for the payment of the subsidy that was seen in any parliament. It has been debated sixteen days together; the resistance was so great, that the house was like to have been dissevered.† The king's knights and servants being of one party, it may fortune contrary to their heart, will, and conscience. Thus hanging the matter yesterday, the more part being for the king, his demand was granted to be paid in two years. Never was one half given to any former at once: I beseech the Almighty it may be peaceably levied, without losing the good will and true hearts of the king's subjects, which I reckon a far greater treasure than gold and silver."‡ This instance of a grant of money so obstinately contested, and the example of a party of placemen and courtiers, who are represented as its sole supporters, shows clearly enough that the spirit of the house of commons was not abated, nor its importance lessened, by Tudor rule, at least on those matters which were justly considered as most exclusively within their province. Sir Thomas More, the first Englishman known to history as a public speaker, who had distinguished himself by opposition to former grants, was now speaker of the house of commons, and supported the measures of the court. Neither his eloquence nor his virtue could gain more than a temporary advantage. Wolsey is said to have gone into the house of commons with a train of retainers, and to have expressed his wonder at the pro-

* Ellis's Letters, i. 220. Strype. Hallam. This report of the debates is, in substance, confirmed by that of lord Herbert, 59: — "Letter from a Member of the House of Commons to the Duke of Norfolk."

† Probably this means, come to a division, then a very rare occurrence.

‡ Ellis. Herbert.

found silence that followed his entrance. The speaker, whatever might be his coalition with the court, did not forget the duty and dignity of his office, but "protested that, according to the ancient liberties of the house, they were not bound to make an answer, and that he, as speaker, could make no reply till he had received their instructions;" an answer which was perhaps the pattern of that made by a successor to the chair at one of the most critical moments of English history.

As France was now bounded on either side by the Spanish and Burgundian dominions of Charles V., the occasions of enmity and pleas for war were necessarily multiplied between that young monarch and Francis I. The pope easily prevailed upon the emperor to turn his arms to the expulsion of the French from Italy. Henry also supported the imperial cause, but hesitated for a time about an open rupture with Francis. The death of Leo X. in 1520, after a short but most memorable pontificate, in which a mortal blow was struck at the greatness of the Roman see, displayed the bold ambition of Wolsey, who then declared himself a candidate for the papacy; rather, probably, to strengthen his pretensions on the next vacancy, than with hopes of immediate success. This faint attempt yielded to the influence of the emperor, who bestowed the triple crown on his preceptor Adrian; a man in almost all points the opposite of his celebrated predecessor. Leo, a patron of art and a lover of literature, ignorant of theology and indifferent to it, was little qualified to foresee the danger to which his throne was about to be exposed by the controversies of obscure monks in the northern provinces of Germany: a man of the world, a man of taste, and a man of pleasure,—he had the manners and accomplishments then only to be learnt in the Italian capitals. Adrian, a native of Utrecht, was a learned and conscientious schoolman, of sincere zeal for his religion, and desirous of reforming the manners of the clergy according to the model of his own austere life; but as intolerant as any of his contemporaries, ignorant of

mankind, and not sharing that taste for polite literature which now shed a lustre over Italy. At Adrian's death, in 1523, Wolsey renewed his canvass, to promote the success of which seems to have been the main spring of his policy during the eight years before, which guided him in disposing of the influence of England to Francis or to Charles. Several cardinals voted for him; but neither of the continental princes could seriously intend to make an English minister their master, or indeed to throw the scarcely shaken power of the papacy into the hands of a turbulent and ambitious man. Henry himself, who in his moments of facility or impetuosity had promoted his minister's project, was too acute not to perceive, in his calmer moods, the peril of placing such a spiritual sovereign over his head. Had Wolsey been successful, we now see how vainly he must have struggled against the current of human affairs: he would have withstood it manfully, but he must have fallen after more bloodshed than that unavailing struggle actually cost: for he was bolder than most men; he held the necessity of general ignorance to good government; and he doubtless would have punished heretics with more satisfaction, in defence of his own authority, than he had done in defending that of others.*

During this period the war was waged between Charles and Francis, in Italy, with various fortune. Clement VII. espoused the French interest; but the desertion of the national cause by Charles of Bourbon, a prince of the royal blood, and his conspiracy with England and Austria against his own country, proved to Francis the forerunner of calamities seldom experienced by princes. At the battle of Pavia, on the 24th of February, 1525, the French army was totally routed, and Francis I. was himself made prisoner. Bourbon, feeling, perhaps, a momentary shame at the misfortunes which he helped to bring on his native country, with tears in his eyes addressed the captive monarch, saying, "Had you followed my council, you should not have needed to be in this

* Herbert, 61.

estate." The king answered by turning up his eyes to heaven, and exclaiming "Patience! since fortune has failed me," in the native language of a man who regarded the pity of a traitor as the last of insults. Henry VIII. affected joy at the victory of his ally, but demanded the aid of Charles to recover his inheritance in France, and in return offered to complete the nuptials of the emperor with his daughter Mary, which had been stipulated long before. The English government, however, dreaded the success of the emperor, and in August concluded a treaty of peace and alliance with France, in which the states of Italy which still retained their political existence concurred. Charles V., feeling this jealousy throughout Europe, consented to open a negotiation at Madrid for the release of Francis; to which the chief impediment was the reluctance of the latter to restore to Charles the duchy of Burgundy, the wrongful acquisition of Louis XI. The French monarch at last yielded; a peace seemed to be made by the treaty of Madrid in 1526, which restored Francis to his dominion, after a captivity of more than a year. When his horse sprung on the French territory, he joyfully exclaimed, "I am again a king!" When pressed to perform the treaty by swearing to observe which he earned his release from prison, he answered by declaring, that "he had no right to dismember the kingdom, which at his coronation he had sworn to preserve entire; that the states of Burgundy refused to concur in the cession; that the parliament of Paris, the senate of the monarchy, had pronounced the stipulation to that effect to be void; and that the pope had dispensed with the oath, which his holiness treated as null, because it was a promise to do a wrong. He even carried his solicitude to multiply pretexts so far as to allege, that, in consequence of Henry's rights as duke of Normandy, the cession of Burgundy could not be valid without his consent. To all these evasions it was a sufficient answer, that he was bound to know the extent of his powers when he had signed the treaty; that if he

* Herbert, 7. † Ibid.

had, however, discovered that he had exceeded his authority, he ought to surrender himself again a prisoner; that the resistance of the states of Burgundy, and of the parliament of Paris, were obviously and notoriously prompted by himself; and that Clement VII. had dishonoured his authority by a scandalous approbation of the perjury of a prince whose ally he was about to become. It is remarkable that neither party appealed to the people of Burgundy, who were seized as lawful booty by Louis XI., and agreed to be restored as stolen goods by Francis I. In the league against the emperor, under the auspices of the pope, and thence called most clement and most holy, Henry VIII. was declared protector of the holy league, with an estate in Naples of 30,000 crowns a year for himself, and of 10,000 crowns a year to the cardinal. The bribes were afterwards increased to much larger sums. In the course of 1526 the disturbances in Italy were somewhat composed. In 1527 an event occurred, unparalleled perhaps in all its circumstances, and considered in that age as the most extraordinary which the chances and changes of war could have produced. On the 6th of May, the constable of Bourbon, at the head of an imperial army of 30,000 men, marched to the sack of the city of Rome. He was at the head of the army with a ladder in his hand, with which he meant to scale the walls. At the moment when he was lifting his foot to place it on the first step of the ladder, he was shot dead.

Though the taking a great city is always one of the most horrible scenes of human guilt and misery, we are assured by all writers that the storming of Rome surpassed every other in horror. More exasperated than dispirited by the fall of their leader, the soldiers entered the city with cries of revenge. On their first rushing into the streets, they butchered some of the defenceless prelates, who were flying from destruction. They had permission to pillage for five or six days, which includes the impunity for that time of every form of human criminality which men greedy of plunder, smarting with

wounds, intoxicated by liquor, or tempted by other lures, can imagine or perpetrate. Five thousand men are said to have perished; the number of women and children, on whom such assaults often fall with most severity, it would be horrible to conjecture; but war in most of its horrors raged in the unhappy city for several months during the siege of the castle of St. Angelo, where the pope and the college of cardinals had taken refuge. Some peculiar circumstances render it probable that the horrors of this assault, however heightened by rhetorical amplification, are in the chief particulars consonant to historical truth. The death of Bourbon left his army uncurbed by a leader; and the scenes which followed were peculiarly unfitted for attempts to restore discipline. The army was composed of a mercenary soldiery, called together from every country by the sole lure of pay and plunder; without national character; without habits of co-operation; without favourite chiefs; often without that acquaintance with each other's language, by means of which some of them might be reclaimed; to all which it may be added, that some of the assailants, otherwise the most likely to be merciful, were impelled by religious zeal not to spare the altars, the temples, or even the priests, of idols. Many German soldiers might have imbibed, from the preaching of Luther, that abhorrence of popery which they had now the means of indulging, in the great city where that religion had triumphed for a thousand years.

Such was the hypocrisy of Charles V., that, on learning the misfortunes of the pope, he gave orders for a general mourning, suspended the rejoicings for the birth of his son, and commanded prayers to be offered throughout Spain for the deliverance of the pontiff, whom the emperor himself had commanded his generals to imprison.

CHAP. V.

HENRY VIII. — CONTINUED.

RISE AND PROGRESS OF THE REFORMATION.

1527.

THE reformation of religion in the sixteenth century, when regarded only from a civil point of view, is doubtless one of the most memorable transactions in the history of the civilised and christian world. For a century and a half almost all the important wars of Europe originated in the mutual animosity of the christian parties.

All the inventions and discoveries of man are only various exertions of his mental powers; they depend solely upon the improvement of his reason. With the vigour of reason must keep pace the probability of adding new discoveries to our stock of truth, and of applying some of them to the enjoyment and ornament, as well as to the more serious and exalted uses of human life. By a parity of reasoning we perceive, that those who remove impediments on the road to truth as certainly contribute to advance its general progress, as if they were directly employing the same degree of sagacity in the pursuit of a particular discovery. The contrary may be affirmed of all those who oppose hinderances to free, fearless, calm, unprejudiced, and dispassionate enquiry: they lessen the stores of knowledge; they relax the vigour of every intellectual effort; they abate the chances of future discovery.

Every impediment to the utmost liberty of enquiry or discussion, whether it consists in the fear of punishment, in bodily restraint, in dread of the mischievous effects of new truth, or in the submission of reason to beings of the like frailties with ourselves, always, in pro-

portion to its magnitude, robs a man of some share of his rational and moral nature.

Truth is not often dug up with ease: when it is a general object of aversion,—when it is represented as an immoral or even impious search,—the difficulties that impede our labours are increased; the most irresistible passions of our nature, and the most lasting interests of society, conspire against improvement of mind; and it is thought a crime to ascertain what is generally advantageous, though thereby only can be learned the arduous art of doing good with the least alloy of evil.*

The reformation of 1517 was the first successful example of resistance to human authority. The reformers discovered the free use of reason; the principle came forth with the Lutheran revolution, but it was so confused and obscured by prejudice, by habit, by sophistry, by inhuman hatred, and by slavish prostration of mind, to say nothing of the capricious singularities and fantastic conceits which spring up so plentifully in ages of reformation, that its chiefs were long unconscious of the potent spirit which they had set free. It is not yet wholly extricated from the impurities which followed it into the world. Every reformer has erected, all his followers have laboured to support, a little papacy in their own community. The founders of each sect owned, indeed, that they had themselves revolted against the most ancient and universal authorities of the world; but they, happy men! had learnt all truth, they therefore forbad all attempts to enlarge her stores, and drew the line beyond which human reason must no longer be allowed to cast a glance.

The popish authority claimed by Lutherans and Calvinists was indeed more odious and more unreasonable, because more self-contradictory, than that which the ancient church inherited through a long line of ages; in-

* Whoever is desirous of estimating the value of knowledge, will find the noblest observations on that grand subject, which have been made since Bacon, in Mr. Herschell's "Discourse on Natural Philosophy;" the finest work of philosophical genius which this age has seen. In reading it, a momentary regret may sometimes pass through the fancy, that the author of the "Novum Organum" could not see the wonderful fruits of his labour in two centuries.

asmuch as the reformers did not pretend to infallibility, perhaps the only advantage, if it were real, which might in some degree compensate for the blessings of an independent mind, and they now punished with death those dissenters who had only followed the examples of the most renowned of protestant reformers, by a rebellion against authority for the sake of maintaining the paramount sovereignty of reason.

The flagrant inconsistency of all protestant intolerance is a poison in its veins which must destroy it. The clerical despotism was directly applicable only to works on theology; but, as religion is the standard of morality, and politics are only a portion of morality, all great subjects were interdicted, and the human mind, enfeebled and degraded by this interdict, was left with its cramped and palsied faculties to deal with inferior questions, on condition even then of keeping out of view every truth capable of being represented as dangerous to any dogma of the establisbed system. The sufferings of the Wickliffites, the Vaudois, and the Bohemians, seemed indeed to have fully proved the impossibility of extinguishing opinion by any persecution in which a large body of men can long concur. But the two centuries which followed the preaching of Luther, taught us, by one of the most sanguinary and terrific lessons of human experience, that in the case of assaults on mental liberty, providence has guarded that paramount privilege of intelligent beings, by confining the crimes of mankind, as it has seen fit for a season to allow that their virtues should be circumscribed. Extirpation is the only persecution which can be successful, or even not destructive of its own object. Extirpation is conceivable; but the extirpation of a numerous sect is not the work of a moment. The perseverance of great bodies in such a process, for a sufficient time, and with the necessary fierceness, is happily impracticable. Rulers are mortal: shades of difference in capacity, character, opinion, arise among their successors. Aristocracies themselves, the steadiest adherents to established maxims

and revered principles of rule, are exposed to the contagion of the times. Julius aimed at Italian conquest; Leo thought only of art and pleasure: Adrian burned alike with zeal for reforming the clergy and for maintaining the faith. Higher causes are in action for the same purpose. If pity could be utterly rooted out, and conscience struck dumb; if mercy were banished, and fellow feeling with our brethren were extinguished; if religion could be transformed into bigotry, and justice had relapsed into barbarous revenge, even in that direful state, the infirmities, nay, the vices, of men, indolence, vanity, weariness, inconstancy, distrust, suspicion, fear, anger, mutual hatred, and hostile contest, would do some part of the work of the exiled virtues, and dissolve the league of persecution long before they could exterminate the conscientious.

Many causes had combined to prepare the soil for the reformation. Even the subtleties of the schools, and their appeal to the authority of a pagan reasoner, raised up against the papacy and the priests a rivalry, which was followed, in the first instance, by the masters of the Roman law, and afterwards by the revivers of ancient literature. The council of Constance, though cruel persecutors of those who outran their own dissent, yet asserted the jurisdiction of councils over popes, even so far as to maintain not only their power to condemn the errors of pontiffs, but even their authority to depose, elect, or otherwise chastise the sovereign pontiffs. A predisposition against the ecclesiastical claims had prevailed so generally and reached so high, that the emperor Maximilian himself was not indisposed to the new opinions.* The kindness and patronage immediately granted to the great heresiarch by the excellent elector of Saxony, seems either to indicate some previous concert, or to evince so extensive an alienation from the clergy, that express words were not needful.

The letters of Erasmus, the prince of the restorers or literature, who gave too much proof of preferring peace

* Sleidan. de Stat. Relig. et Imper. Car. V. Cæsare, i. 21. edit. 1785.

to truth, bear the weightiest testimony to the joy and thanks of European scholars at the hopes of deliverance held out by the Saxon reformation, during its earliest and most pacific period. At the same time, with an excess of wariness not suited to the temperament of his correspondent, he exhorts Luther to observe more moderate and temperate language, and to attack the papal agents more than the holy see itself.* In the first negotiations of the papal agents with the heretical chiefs, it was insinuated by the former, that their opponents might maintain their doctrines in the private disputations of the learned, if they would only desist from the mischievous practice of inflaming the ignorant by preaching or writing on such subjects. These suggestions were natural to the statesmen, the courtiers, and the semi-pagan scholars of the court of Leo, at a time when a double doctrine and a system of secret opinions had rendered the well-educated among the Italians unbelievers, who regarded the ignorant as doomed to be their dupes, and thought the art of deluding the multitude beneficial to most men, as well as easy and agreeable to their rulers.

But Martin Luther was of a character thoroughly exempt from falsehood, duplicity, and hypocrisy. Educated in the subtleties of schools, and the severities of cloisters, he annexed an undue importance to his own controversies, and was too little acquainted with the affairs of the world, to see the manner in which they might be disturbed by such disputes. It is very probable, that, if he had perceived it, his logical obstinacy would unwillingly, if at all, have sacrificed a syllogism to a public interest. Two extraordinary circumstances appeared a little before this time, so opportunely, that they might be said to be presented to him as instruments for the accomplishment of his purpose: these were, the invention of the art of printing, and the use of the German tongue in addresses to the people. His ordinary duties led him to make weekly addresses to all

* March 29. 1519. London. Erasm. Epist. lib. vi. p. 4. Sleidan, i. 85.

classes. The use of the vernacular language rendered him as easily understood by the low as by the high; and printing had so lessened the cost of copying, that the poorest man, or club, or society, could buy a copy of his sermons and tracts, which were written with clearness and brevity, as well as with such a mastery over his language, as to have raised the spoken dialect of his own province into the literary language of Germany, and to rank him as the first of the writers who have disclosed the treasures of that copious and nervous tongue. These distinctions he doubtless owed partly to the veneration entertained for his translation of the Scriptures, and partly to popular tracts, which were not only most skilfully adapted to the capacity of the multitude, but perhaps too much accommodated to their taste by a plentiful seasoning of those personalities and scurrilities, which, though they promoted his purpose for the time, cannot be perused without displeasure by his warmest admirers in succeeding ages.

This great reformer of mankind was born at Eisleben, in the county of Mansfeldt, in the year 1483, about thirty years after the invention of printing, and about twelve before the discoveries of America and of a maritime road to India; a time when the papacy had not recovered the blow struck against it by the council of Constance; and sufficiently late to draw help from the revival of ancient literature, which the writings of Erasmus show to have been spread beyond the Alps, and even beyond the Rhine. The ardour of his mind, the elevation of his genius, and the meditative character of his country, early led him to that contemplation of the vast and the invisible, to that aspiring pursuit of the perfect and the boundless, which lift the soul of man above the vulgar objects of sense and appetite, of fear and ambition.

The fate of a comrade, who was struck dead by lightning while walking in the fields with Luther, alarmed and agitated him; and in 1505 he devoted himself to a religious life, as a monk of the order of St. Augustin.

It is a characteristic fact, that he had been two years in the monastery before he had seen a Latin bible*, which he embraced with delight; so human and traditional had Christianity then become.

He was speedily regarded as the most learned member of his order in the empire.† The elector of Saxony, who had just founded an university at Wittemberg, appointed the young monk to a professorship of philosophy, and at the same time made him one of the ministers of the town. Such a policy has often induced the absolute princes of small states, whose limited revenues are insufficient for the support of an university, to select men of reputation for their academical offices, who may attract multitudes to the seminary. They are often content to connive at the eccentricities and to screen the errors of men of genius, provided their halls are crowded with admiring hearers and pupils.

In 1510 he visited Rome on the affairs of his monastery, where he was shocked by finding that the sincerity and fervour of his own devotion were looked at with wonder and with derision by his Italian brethren, who hurried and muttered over their liturgy. It was not, however, till the year 1517 that he made any public opposition to practices directed or allowed by the church. The occasion of this resistance was the issue and sale of indulgences, to raise a sum of money adequate to the cost of completing St. Peter's church at Rome. These indulgences appear to have been granted in early times: their original purpose, and the only efficacy ascribed to them by the church, was grounded on the acceptance of sums of money instead of the often very severe penances which the ecclesiastical law imposed on penitents as the temporal punishment of the offences. No pope or council taught that indulgences were a permission for future offences, still less that they had any relation to

* Milner, Christ. Church, iv. 424.

† "Polichius often declared that there was a strength of intellect in this man which, he plainly foresaw, would produce a revolution in the popular and scholastic religion of the times." Melancthon, quoted by Milner, Church History, iv. 326.

those punishments which supreme justice may finally employ in the administration of the moral world. With some apparent inconsistency, however, and with much additional danger to the community, they stretched their authority into the unseen world, by teaching that indulgences extended to a part, or to the whole, of the purification of minds of imperfect excellence in purgatory. The produce of the indulgences was, in general, avowedly destined for purposes which were accounted pious: they were at first rare, being granted with apparent consideration, and in cases which might be deemed favourable. But in a series of ages caution and decorum disappeared. The practice of the distributors of indulgences widely deviated from the professed principle of such grants, and they threw off all the restraints by which the pious prudence of former times had laboured to render such a practice safe, or indeed tolerable.

The execution of the bull for indulgences in Germany was intrusted to men who rendered all the abuses to which they were liable most offensively conspicuous. Tetzel, a Dominican, one of the chief distributors, vended his infallible specific with the exaggeration and fiction of the coarsest empiric. Wittemberg was one of the towns which he visited on his journey. A scene here opened for the learning, the integrity, the piety, the ardour and impetuosity of Luther. A great practical abuse was brought to his dwelling, with all the aggravations which it could receive from the peculiar circumstances of a country remote, undisturbed, and unawakened by controversy, and from the character of the shameless collectors, who extolled the sovereign efficacy of their specific in language disclaimed by all the authorities and by all the scholars of the Roman catholic church. That church must, nevertheless, bear the grave disapprobation due to her sanction of a practice, the abuse of which was so inevitable, and so easily foreseen, that on this account alone it must be regarded as irreligious and immoral. A doctrine or a practice, however guarded in the words that describe it, which has for

centuries produced a preponderance of evil, must in its nature be evil. It was fortunate that it might be impugned without questioning the authority of the church or of the supreme pontiff, which the reformer, magnanimous as he was, might not have yet dared to assail. It was fortunate, also, that the enormities of Tetzel found Luther busied in the contemplation of the principle which is the basis of all ethical judgment, and by the power of which he struck a mortal blow at superstition: "Men are not made truly righteous by performing certain actions which are externally good; but men must have righteous principles in the first place, and then they will not fail to perform virtuous actions."* Whether Luther rightly understood the passages of the New Testament on which he founded the peculiar doctrines for the sake of which he advanced this comprehensive principle, is a question of pure theology, not in the province of history to answer. But the general terms which are here used enunciate a proposition equally certain and sublime; the basis of all pure ethics, the cement of the eternal alliance between morality and religion, and the badge of the independence of both on the low motives and dim insight of human laws. Luther, in a more specific application of his principle, used it to convey his doctrine of justification by faith; but the very generality of his own terms proves the applicability of the principle to be far more extensive.

He saw the pure moral principle in its religious form; but his words enounce it as it exists in itself, independent of all application. He did not perceive that this doctrine rendered the use of fear and force to make men more virtuous and religious, the most absurd of all impossible attempts; since virtue and religion have their seats in an inviolable sanctuary, which neither force nor fear can approach; and that it placed in the clearest light the natural unfitness of law, which seeks only to restrain outward acts, and which has, indeed, no means of going farther, for a coalition with

* Epist. Luth. ad Spalat., Oct. 1516, in Milner, iv. 331.

those purer and more elevated principles which regard human actions as only valuable when they are the outward and visible signs of inward and mental excellence.

But it is evident that a mind engrossed by considerations of this nature was not in a mood to endure with patience the monstrous language of Tetzel. Luther had not travelled in search of grievances; he had even buried in respectful silence the result of his observation on the immorality and irreligion of Rome. He was assailed at home by representations, which, if our accounts be accurate, were little less than dissuasives from the cultivation of virtuous dispositions. It is now no longer contended that he was instigated by resentment at a supposed transfer of the distribution of indulgences to the Dominicans, from his own order the Augustinians, who, in truth, had very seldom enjoyed that privilege. It had been chiefly in the hands of the Dominicans for two hundred years, and only bestowed on one Augustinian for more than half a century before Luther.*

He published in 1517 ninety-five theses, in the usual form of themes for disputation, in which he impugned the abuse of indulgences, and denied the power extravagantly ascribed to them, not without striking some blows at the doctrine itself, thus ready to be turned to evil purposes, but concluding with a solemn declaration, that he affirmed nothing, but submitted the whole matter to the judgment of the church. Nor is there any reason to question his sincerity; he at that time, doubtless, confined his views to the evil which awakened his zeal. In after times, the inflexible obstinacy with which the church refused to reform abuse compelled him to explore the foundations of her authority. This undistinguishing maintenance of all established evils, together with the wrong done to himself and his adherents, obliged him in self-defence to examine the nature of ecclesiastical power; and the result of a wider enquiry warranted him in carrying the war into the enemy's country. No other means of effecting the most

* Sleidan, i. 22.; Secker, Hist. Lutheranismi; especially Mosheim, iv. 31.

temperate amendments were left in his possession; his option lay between an assault on Rome, and the destruction of protestantism. Fortunately for the success of his mission, the great reformer, penetrating, inventive, sagacious, and brave as he was, had little of the temerity of those intellectual adventurers who, often at the expense of truth, and almost always at the cost of immediate usefulness, affect singularity in all things, and are more solicitous to appear original, than to make certain additions to the stock of knowledge and well-being. In the gradual progress of dissent which thus naturally arose, the variations in his words and deeds at different stages of it are no proof of levity, but rather, by being gradual, afford evidence that they were considerate; and they still less justify a suspicion of insincerity against one of the frankest and boldest of men. Nothing can be a stronger proof of his honesty than the language in which he many years after spoke of his own original *theses:* "I allow these propositions still to stand, that by them it may appear how weak I was, and in how fluctuating a state of mind I was when I began this business. I was then a monk and a mad papist; ready to murder any person who denied obedience to the pope." For about three years after the first publication of Luther's themes, the court of Rome did not proceed to extremities against him. Leo originally smiled at the little squabbles of Saxony, and was wont to say, "Brother Martin has a very fine genius; but these are only the scuffles of friars!" He despised this controversy so long, that he was too late either for timely concession, or for immediately destroying the heresy, which perhaps he might have strangled if he had seized it in the cradle. At last he was persuaded by the divines, or probably by the politicians, of his court to crush a revolt, of which the example might become dangerous.

On the 15th of June, 1520, he issued the damnatory bull, in which forty-five propositions, extracted from the writings of Luther, were condemned as heretical; and if he himself did not recant within sixty days,

he was pronounced to be an obstinate heretic, was excommunicated, and delivered unto Satan for the destruction of his flesh; and all secular princes were required, under pain of incurring the same penalties, with the forfeiture of all their dignities, to seize his person, that he might be punished as he deserved.

To follow Luther through the perils which he braved, and the sufferings which he endured, would lead us too far from our proper province; but, in justice to him, the civil historian should never omit the benefits which accrued to the moral interests of society, from the principle on which, to the end, he founded his doctrine,—that all rites and ceremonies, all forms of worship, nay, all outward acts, however conformable to morality, are only of value in the judgment of God, and in the estimate of conscience, when they flow from a pure heart, and manifest right dispositions of mind. Wherever the outward acts are considered as in themselves meritorious, it is apparent that the performance of one outward act may be conceived to make amends for the disregard or omission of other duties. Some notion may be formed of the possibility that the justice of a superior may be satisfied for a theft or a fraud, by a self-inflicted suffering, or by an outward act of unusual benefit to mankind. But it is evident that no such substitute can be conceived for a grateful and affectionate heart, for piety or benevolence, for a compassionate and conscientious frame of mind. Where these are wanting, outward acts can make no compensation for their absence; because the mental qualities themselves are the sole objects of moral approbation. When the whole moral value of outward acts is ascribed to the dispositions and intentions, which, in the case of our fellows, we can understand only from the language of their habitual conduct, it becomes impossible for any reasonable being to harbour so vain a conceit, as that he can compromise with his conscience for deficiency in one duty by practising more of another. From the promulgation of this principle, therefore, may be dated the downfall of superstition,

which is founded on commutations, compromises, exchanges, substitutes for a pure mind, fatal to morality; and upon the exaggerated estimate of practices, more or less useful, but never beneficial otherwise than as means.

It has been already observed, that Ulrich Zuinglius, a Swiss priest, preached against indulgences about the same time with Luther himself. He inculcated milder doctrines, and was distinguished by a more charitable spirit, than any other reformer; but though some of his opinions have been adopted by many protestants, his premature death prevented him from establishing an ascendant even in his own country. The sceptre of the reformation in Switzerland fell into the powerful hands of John Calvin*, a native of Noyon in Picardy, who, in 1534, established the protestant religion and a democratical form of government in the city of Geneva. The second of the German reformers was Melancthon†, one of the restorers of ancient learning, who did much to recover Grecian philosophy from the mountainous masses under which it lay buried among the schoolmen, but who would have been of too gentle a spirit for an age of reformation, if that very gentleness had not disposed him to seek steadiness in submission to the commanding and energetic genius of Luther. After the death of his master, he, like Zuinglius, rejected the stern dogma of absolute predestination, in which he has been followed by the Lutheran body, leaving it to become, in after ages, the distinction of the followers of Calvin, and still more of his successor Beza.‡

At a somewhat later moment, the whole body of dissenters from the Roman Catholic church received the name of Protestants, from their common protest against an intolerant edict of the imperial diet holden at Spire.

The Lutherans called themselves evangelical Christians, from their profession of drawing their doctrines from the scriptures alone. They were called followers

* Jean Chauvin.
† Schwarzerde.
‡ Théodore de Bèze, a Burgundian.

of the confession of Augsburg, from a confession of their faith delivered to the diet in that city by Melancthon. The followers of Calvin assumed the designation of the reformed church, perhaps with the intention of marking more strongly that they had made more changes in church government than their protestant brethren. A Calvinist and a presbyterian became in England synonymous terms. The word Calvinist now denotes all who, in any protestant communion, embrace the doctrine of absolute predestination. It is synonymous with predestinarian. Many episcopalians are now Calvinists; many presbyterians are anti-Calvinists.

The subject of fiercest controversy among protestants was the nature of the sacrament of the Lord's supper. A rejection by all protestants of the ancient doctrine or language, which represented the bread and wine to be, in that sacred rite, transubstantiated into the body and blood of Christ, was, of all protestant deviations, that which most excited the dread and horror of pious catholics, who considered the heretics as thus cutting asunder the closest ties which bound the devout heart to the Deity. Yet Luther only substituted one unintelligible term, 'consubstantiation,' for the more ancient but equally unintelligible term, 'transubstantiation.' Even Calvin paid so much regard to ancient dogmas, as to maintain the *real* though not *bodily* presence of the *body* of Christ in the sacrament; and the church of England, in her solicitude to avoid extreme opinions, and to reject no language associated with devotion, has not altogether avoided the same incomprehensible and seemingly contradictory forms of speech. Zuinglius, and some of the Lutherans, who openly declared their conviction that this venerable rite was merely a commemoration of the death of Christ, were the only reformers who made a substantial alteration in the old creed, and expressed themselves, on this subject at least, with perfect perspicuity.

Erasmus, the prince of European scholars, was in the fiftieth year of his age, and in the full maturity of his

fame, when Luther began to preach the reformation at Wittemberg. No man had more severely lashed the superstitions which were miscalled acts of piety, or scourged the frauds and debaucheries of the priesthood with a more vigorous arm. The ridicule which he so plentifully poured on the monks during his residence in England doubtless contributed to their easy overthrow in this country. He was pleased with Luther as long as the reformer confined himself to the amendment of faults, without impugning the authority, or assailing the constitution, of the church. Erasmus, however, as early as 1520, informed Luther that he did not court martyrdom, for which he felt himself to be unfit; that he would rather be mistaken in some points, than fight for truth at the expense of division and disturbance; that he should not separate from the church of Rome, though he was very desirous that her errors should be amended by her own established authorities. Nor was the demeanour of the Saxon reformer towards this illustrious scholar, in the beginning, worthy of much censure. Erasmus was not required to commit any absolute breach of the neutrality which his age and character seemed to impose on him. But, when all differences had been widened by the excesses of the German boors and of the Dutch anabaptists, Erasmus recoiled more violently from approaches to the Lutherans. Though the monks abated nought of their hatred, the Roman politicians felt the necessity of courting the dictator of literature; they appealed to former good offices; they held out the hope of further favours. Their displeasure was still formidable, and Erasmus, it must be owned with regret, made too large sacrifices to his poverty and his fears. On the other hand, every concession or approach to the ancient church was treated as an act not only of insincerity, but an example of apostasy and desertion; charges which, as he never enlisted in the Lutheran army, he did not strictly deserve. He was incensed at their invectives; yet even then he deplored the dreadful bloodshed which attended the suppression of the boors' revolt, in which a hundred

thousand persons were put to death. In his latter years, a cardinal's hat was offered to him: he declined it; but it is not to be denied that, if the convulsions of the age did not make him a true papist, at least they rendered him a member of the papal faction. Perhaps he did not dare to form decisive opinions concerning fiercely controverted dogmas in theology. He was accused, but without proof, of unbelief in the Trinity. The creed which he had brought his mind to embrace distinctly seems to have been short and simple; and that of which he would have desired a profession from others would probably have comprehended the greater part of Christian communities. He died in 1536 in the sixty-ninth year of his age — certainly not reconciled to Luther by the cruel murder of his illustrious friend sir Thomas More, the last and most mournful event of which he lived to be a witness. It may be said of him, without the suspicions of exaggeration, that his learning, his powers of reason, imagination, and wit, were in his own age unmatched, that his attainments were stupendous, and that, if his lot had fallen on happier times, his faults and infirmities would have been lost in the mild lustre of the neighbouring and kindred virtues.

The Calvinists adopted a democratic constitution for their church, in which all the ministers were of equal rank and power. The Lutherans retained bishops, but very limited in jurisdiction, and much lowered in revenue. The church of England, generally but prudently and moderately inclining to an agreement with Calvin in doctrine, retained the same ranks of secular clergy, and much of the same forms of public worship, which prevailed in the ancient church; while she, in some respects, enlarged episcopal authority by releasing it from the supreme jurisdiction of the see of Rome.

It is unfit to continue these sketches of ecclesiastical history, brief as they must needs be. It will, however, be necessary to return to them when their influence on the affairs of England becomes more conspicuous. The civil history of Europe in the sixteenth and seventeenth

centuries, the prevalent opinions of the eighteenth, and the revived activity of principles of reformation in the nineteenth, are all of them unintelligible without reference to the opinions and disputes of religious parties.

A revolt of the boors of Suabia in the year 1525, spread alarm through Germany, and was triumphantly appealed to by the antagonists of the reformation as a decisive proof of the fatal tendency of its anarchical principles. These unhappy peasants were in a state of villainage; the grievances from which they prayed for deliverance were real and great. Among the most conspicuous of their demands were, emancipation from personal bondage, the right of electing their religious teachers, that of killing untamed animals without the restraint of game laws, and a participation of the people with the clergy in tithes which they desired to limit to corn alone.* These demands were in themselves not unreasonable, though urged by armed revolters. The conduct of Luther at this trying moment was unexceptionable; he condemned altogether the insurgents, and earnestly exhorted their lords to humanity and forbearance. If he departed somewhat from "fair equality, fraternal law," it was in favour of the hard masters; to which extreme he was driven by his solicitude to rescue the reformation from the charge of fomenting rebellion. His policy, however, was vain; his antagonists were not to be conciliated. If he was silent or cool he was said to connive at the rebellion; if it continued to rage in spite of his warmest censures, he was said to show that the principles of anarchy inherent in revolt against religion rendered the protestant boors ungovernable by their own favourite leaders. The lords subdued the rebellion; and, according to the usage in like cases, disregarded the grievances, while they drowned the revolt in a deluge of blood.

Such disorders are incident to the greatest and most beneficial movements of the human mind; because such movements awaken the strongest interests and excite the

* Sleidan, i. 285.

deepest passions of multitudes; and are often as much perverted by the expectations and the violences of ignorant and impatient supporters as they are by the systematical resistance of avowed enemies. It sometimes happens, that the very grievousness of the evils unfits the sufferers for the perilous remedies which are alone efficacious; because, as in the case of the German boors, it disables them from applying these ambiguous agents with the moderation and caution which are seldom joined to the spirit of political enterprise. Poisons are often efficacious remedies; but their powers of destruction are quickly restored by a slight excess in their use.

While the enemies of the reformation were exulting over the violence of the oppressed boors, the better and more natural fruits of it sprung up in all those situations where the soil was well prepared to receive it. The greatest of the imperial cities, which, from Strasburgh and Cologne to Hamburgh, preserved a republican constitution, adopted the Lutheran protest against the papacy. The Low Countries, containing the most industrious and opulent communities to the northward of the Alps, showed, like the German towns, that the disposition to religious liberty, which began to steal unperceived on the partisans of the reformation, was best received, and most heartily welcomed, by the commercial interest; that new and rising portion of the community, the mere fact of whose growth indicated the advances of civilisation. Of the two monarchies of the North, then among the most free governments of Europe, Denmark was the first to embrace the Lutheran doctrine*; and in Sweden†, Gustavus Vasa, who delivered his country from a foreign yoke, and bestowed on it the blessings of civil liberty, paved the way for religious freedom by the introduction of the protestant religion.

* 1522. † 1526.

CHAP. VI.

HENRY VIII.—CONTINUED.

1527—1535.

TO THE EXECUTION OF SIR THOMAS MORE.

THERE is no doubt, from succeeding events, that the seed sown by Wickliffe in England was never destroyed. Wolsey paid his court at Rome by burning some obscure Lollards, who were lured from their darkness by Luther's light. Sir Thomas More, though a reformer of criminal law, deviated so far from his principles, when he entered the world of ambition and compliance, as to be present at the torture of heretics. Henry, as a disciple of Aquinas, took up the pen against the Lutheran heresy, and on that account received from Rome the title of defender of the faith, which has been retained for three centuries by sovereigns of whom some might be more fitly called the chiefs of protestant Europe. There was no country on whose fidelity the papal see might seem entitled to rely with more confidence than on that of England. A single circumstance shook the apparently solid connection, and in the end detached Henry from communion with the Roman church. Whether he really felt any scruples respecting the validity of his marriage during the first eighteen years of his reign may be reasonably doubted. No trace of such doubts can be discovered in his public conduct till the year 1527. Catherine had then past the middle age: personal infirmities are mentioned which might have widened the alienation. About the same time, Anne Boleyn, a damsel of the court, at the age of twenty-two, in the flower of youthful beauty, and full of graces and accomplishments, touched the fierce but not unsusceptible heart of the king. One of her ancestors had been lord mayor of London in the reign of Henry VI.; her family had since been connected with the noblest houses of the

kingdom; her mother was the sister of the duke of Norfolk. At the age of eight, she attended the princess Mary into France as a maid of honour, during that lady's short lived union with Louis XII. On the death of that monarch, she was taken into the household of Claude, queen of France, for her girlish or childish attractions: and on the approach of the rupture between the two countries in 1522, Henry required her being returned to England before he declared war; because, being a lady of the royal household, she could not with propriety quit France without the king's permission. That her eldest sister, and even her mother, preceded her in the favour of her royal lover, are assertions made by her enemies with a boldness equal to the total absence of every proof of their truth.* There is nothing in the known conduct of Henry himself which warrants the imputation of so ostentatious a dissolution of manners, even to him. Anne appears to have entered into a precontract, or given some promise of marriage to one of the sons of the earl of Northumberland; but whether serious or frivolous, and how far binding in honour or in law, are questions which we are unable to answer. The terms used in that age to describe such engagements are so loose, that it is unsafe to make any important inference from them; but as this supposed precontract was afterwards considered as a sufficient ground for the sentence which declared the marriage of Henry and Anne to be null, it may be regarded as some presumption that a family, with whom one of the noblest houses in England negotiated a matrimonial union, was at least exempt from notorious and disgraceful profligacy. The antagonists of her memory load her with the inconsistent charges of yielding to the king's licentious passions, and of having affected austere purity to reduce him to the necessity of marriage; but the peculiar character of Henry rendered him often a

* The angry addresses of cardinal Pole to Henry have been lately quoted in evidence against the Boleyn family;—as if a cruelly proscribed man, exiled in a distant land, and glowing with just resentment, were not likely or sure to believe any evil of his barbarous enemy. The virtues of cardinal Pole destroy on this occasion the weight of his testimony.

scrupulous observer of rules without much regard to their principles. The forms of law stood higher in his eye than the substance of justice: this peculiarity affords the best key to his proceedings relating to the divorce of which he was desirous. A legal divorce, however cruel, and even substantially unjust, satisfied his coarse and shallow morality. Catherine was then in her forty-sixth year; Anne Boleyn, as has been already said, was in her twenty-second; Henry was in his thirty-eighth. Sir Godfrey Boleyn, lord mayor of London in 1458, married the daughter of lord Hastings, by whom he had one son, the husband of lady Margaret Butler, co-heiress of the earl of Ormond; and the issue of this alliance was sir Thomas Boleyn, created lord Rochfort, who served the king with distinction in some diplomatic missions, and especially in the important embassy to Paris.

The light which shone from Anne Boleyn's eyes might have awakened or revived Henry's doubts of the legitimacy of his long union with the faithful and blameless Catherine. His licentious passions, by a singular operation, recalled his mind to his theological studies, and especially to the question relating to the papal power of dispensing with the Levitical law, which must have been the subject of conversation at the time of his unusual, if not unprecedented, espousal of his brother's widow. Scruples, at which he had once cursorily glanced as themes of discussion, now borrowed life and warmth from his passions. In the course of examining the question, his assent was likely at last to be allured into the service of desire. The question was, in itself, easily disputable: it was one on which honest and skilful men differed; and it presented, to say the least, ample scope for self-delusion. His nature was more depraved than lawless (if that word may be so used); and it is possible that his passion might have yielded to other obstacles, if he had not at length persuaded himself that by the means of a divorce his gratification might be reconciled with the letter of the law. His conduct has the marks of that union of confidence and formality often observed in

men whose immorality receives treacherous aid from a mistaken conscience.

It was about this period, that on occasion of a project for the marriage of the princess Mary Tudor, now in her eleventh year, to Francis I., a hint is said to have been thrown out by the bishop of Tarbes, the French ambassador in London, that the young princess might be illegitimate, being the issue of a marriage of doubtful validity.* If we believe this fact, it affords some ground for a conjecture, that a suggestion, which must have been shunned as offensive, if it had not been known to be acceptable, was procured from the ambassador by Henry or by Wolsey. But such an anecdote, reported by no impartial writer, without any account of the preceding or consequent facts, is hardly admissible, except as a proof of the suspicion of the experienced negotiator, that doubts of the validity of the king's marriage would not be regarded at court as an unpardonable offence. The king now treated his scruples as at least specious enough to make a favourable impression on a pope to whom he had just rendered the most momentous services.

He might, indeed, reasonably expect any favour from Rome which that court could justly bestow. To the armaments and negotiations of Henry, Clement VII. owed his release from prison; but the pope had felt the power of the emperor, and dreaded a resentment which could not fail to be awakened by the degradation of an Austrian princess. Clement, an Italian priest of the sixteenth century, was more strongly influenced by fear of the future than by gratitude for the past. Henry VIII. was distant, Charles V. was at his gates; the benefit from English interposition was never likely to be repeated, the injury and outrage might easily be again inflicted by the master of Naples and of Lombardy. The wary pontiff, however, spared no pains to gratify one great prince without displeasing another; or, at worst, to postpone his determination so long, that

* Cavendish, Life of Wolsey.

time or accident might relieve him from the painful necessity of pronouncing it. Perhaps these considerations might be excusable in a pontiff, who was also a feeble temporal sovereign; but they were as worldly as the motives ascribed to Henry were blended with the suggestion of the senses. The one, under pretences of religion, consulted his own interest; while the other abused the same venerable name to cover the gratification of his passion. If any degree of sincerity belonged to the religious professions of either (and it is not improbable that some portion did mingle with stronger motives), the excuse was as admissible in the case of Henry as in that of Clement.

The French embassy, of whom Grammont bishop of Tarbes was one, appears to have arrived in England in March, 1527. In May, Henry gave a magnificent entertainment at Greenwich, at which Anne was his partner in the dance. In July of the same year, Knight, then a secretary of state, was despatched to Rome to obtain the divorce; and, on the 1st of August, Wolsey informed Henry, in a despatch from France addressed to that prince, that his project of seeking a divorce from Catherine was already rumoured at Madrid. Whether Anne Boleyn made any visits to England while her residence was in Paris; whether her final return to England took place on the death of Claude, queen of France, in 1522, or on that of Margaret, duchess of Alençon, to whose household she is said by some to have been transferred, after the two remaining years of that princess's life; or, finally, whether she was detained in France till the return of her father from his last embassy to Paris in 1527; are questions of fact on which our knowledge is hitherto incomplete.

During the early part of these transactions, the situation of Wolsey induced him to play a perilous game. On the one hand, he is said to have disengaged Anne from Percy, and appears through his agent Pace to have secretly procured aid to the king's suit from the venal pen of Wakefield, Hebrew professor at Oxford, who had

before declared for the validity of the marriage with Catherine.* But, on the other hand, he was really desirous of wedding his master to a French princess, to forward his own designs on the papacy, and to cover by the popularity of a valuable and illustrious alliance the odium which he must have foreseen to be a consequence of a justly obnoxious divorce. It is probable, also, that Wolsey was apprehensive of the power which the Boleyns and their connections would acquire by the elevation of their young and beautiful relation. He threw himself, we are told, on his knees before the king, and earnestly entreated him to desist from a purpose unworthy of his birth.† It need scarcely be added, that the minister who made up by pliancy to an impetuous master for his insufferable arrogance towards herds of dependents, made haste to atone for the indiscreet zeal which, on this single occasion, he presumed to oppose to the royal desires. He redoubled his activity and apparent zeal to promote the marriage with Anne Boleyn, so as to draw from that lady a letter to him overflowing with gratitude.

Sir Thomas More, the most illustrious Englishman of his time, not being convinced by the king's reasons, declined the support of his divorce. Fisher bishop of Rochester acted with the like hazardous integrity. No name is preserved of any other divine or lawyer who gave the same pledge of courageous honesty. The people, ignorant of law, but moved by generous feeling, saw nothing in the transaction but the sacrifice of an innocent woman to the passions of a dissolute monarch, which was in truth its most important and essential character.

On the arrival of Cassalis, an Italian agent from Henry at Rome, in September, 1527, to sue or to sound Clement on the divorce, he found that pontiff in a situation not favourable to the success of the application. He had surrendered, on the 7th of June, to the imperialists, on condition of paying a hundred thousand ducats of

* Knight's Erasm. App. 25—29. The date is 1527.
† Cavendish, Life of Wolsey.

gold in two months; and, being unable to make the payment, was so closely watched in his rigorous imprisonment which ensued, that he durst not give a public audience to Knight, who was sent as an extraordinary ambassador, nor venture to communicate with him, but secretly through cardinal Pisani.* After the pope made his escape to Orvicto, in December, access to him was somewhat more free. English emissaries, well furnished with money, repaired to Italy; among whom was Stephen Gardiner, who afterwards reached a place in English history more conspicuous than honourable. Various expedients were suggested to deliver the pope from his painful responsibility. Hopes were entertained of prevailing on the queen to retire into a monastery, but she generously rejected all projects which involved in them a suspicion of the illegitimacy of her daughter. Clement yielded so far to the English ministers at Viterbo as to grant a commission to legates to hear and determine the validity of the marriage, and a pollicitation (or written and solemn promise) not to recall the commission, or to do any act which should annul the judgment or prevent the progress of the trial. Gardiner and Fox found the pope lodged in an old and ruinous monastery, with his anti-chamber altogether unfurnished, and a bed which, with the hanging, did not amount to more than the value of twenty nobles†, which were equivalent to five pounds of that age. In executing these documents, he earnestly and pathetically implored the king not to put them in execution till the evacuation of Italy by the German and Spanish armies should restore him to real liberty.

A very brief statement of the points in dispute may find a fit place here. The advocates of Henry observed that, by the law of Moses, a man was forbidden to marry the sister of his deceased wife ‡; a prohibition to which, being of divine authority, the dispensing power could not extend; but it was contended on his part, also, that even

* Knight to Henry, 13th Sept. 1527, in lord Herbert. Kennett, ii. 100.
† Herbert. ‡ Leviticus, xv. 3. ib. xx. 21. Deuteronomy, xxv. 5.

if this were not granted or proved, the bull of Julius II. was, at all events, void, because it was obtained under the false pretences (recited in the bull as its ground) that the marriage was sought by the parties for the sake of peace between England and Spain, though such peace then actually subsisted; and, also, that such dispensation was sought at the desire of both parties, although Henry, being then only twelve years of age, was not competent to express any wish on the subject, which ought to be regarded as a valid ground of the proceeding. But undoubtedly the desire of consolidating and securing peace might well be comprehended in the words of the bull; and it is equally obvious, that the desires of a boy might be faithfully conveyed, or sufficiently represented, by those of his father and sovereign. Another preliminary objection was urged against Henry, that the nuptials of Arthur and Catherine were never consummated, in other words, that there was no marriage in fact, and, consequently, that the espousal of Catherine by Henry was perfectly lawful, even if it were not protected by a valid dispensation from the pope; but the evidence of the completion of the nuptials was considerably stronger than is usual in the case of a childless matron.

The advocates of the king did not question the dispensing power farther than in its application to a divine, and generally binding, prohibition. The court of Rome did not dare distinctly to lay claim to such a power in the case of prohibitions acknowledged to be of divine authority, which no decree of the catholic church had ever sanctioned: but they were loth to renounce it, from a desire not to narrow a great prerogative of the popedom. Neither did they choose to rest their cause upon its most rational foundation, lest they might be charged with rashly lowering the obvious and literal sense of a divine law.

For, surely, the law in Leviticus may be understood as divine, and yet prescribed only to the Jewish people. It seems, indeed, to be a part of their purely national

code; yet there would be no inconsistency in holding that the catholic church had by long usage, and by its written canons, extended to Christians the Mosaic prohibitions. Though such prohibitions are undoubtedly not so necessary to the domestic morality of youth in the case of connection through marriage as they are generally and justly held to be in the relation of blood, yet they promote the same most momentous purpose in some degree, however inferior. The law forbidding marriage between a brother and sister, owned to be indispensable, might by no very strained analogy be stretched to that of a man to his brother's widow, a view of the subject which borrows a delusive speciousness from the employment of very similar words to express relations, which have but a slight resemblance to each other. It might be added, that the sovereigns of all Christian countries had in effect transplanted the prohibitions into their respective codes, and sanctioned them by long usage and frequent recognition. It was a natural though not a necessary consequence, that the highest authority of the church might dispense with a regulation to which the church had probably first subjected its members. This reasonable construction would have been fatal to Henry's pretensions; but, on the other hand, it would be a presumptuous attempt to give a new sense, and a more limited authority, to the Levitical law.

It was not, however, either by legal or theological argument that the passions of the monarch were to be controlled, or the fears of the pontiff were to be removed. Francis I., the most decisive opponent of the emperor, befriended Henry, and seconded his suit at Rome. A French army under Lautree threatened to reduce Naples. As long as success promised to attend that commander, Clement adopted the measures already mentioned favourable to the projects of the English monarch. But it was not even then without the hesitation and well disguised reservations with which he thought it necessary to tread warily amidst the shocks of combatants equally potent and merciless. In June, 1529, however, he concluded

a treaty of alliance* with the emperor, in which, among warm professions of friendship, and some cessions or guarantees of territory, it was stipulated that Charles should restore the house of Medici, the pope's family, to their former station at Florence, which they had governed by over-ruling influence; and that Clement, after being received with all due homage and reverence by Charles, should, when that monarch came to Italy, solemnise his coronation, which was necessary to complete the dignity of the emperor of the Romans, for want of which all his successors designated themselves, not as emperors, but as emperors *elect*. The temper as well as terms of this alliance denotes that close connection which, in parties of very unequal strength, naturally degenerates into the dependence of the weaker ally. Clement accordingly now resolved to provide for the repose of his age by a submission to the emperor, the only potentate who could shield him from all other foes. Henceforward we must consider Clement as having taken his final part against the degradation of the queen of England, an Austrian princess. But though his fluctuations really ceased during the short remainder of his life, it was still desirable to amuse so powerful a prince by ingenious delays and plausible formalities.

Already impatient of forensic artifices, Henry had been advised to adopt a very specious expedient for obtaining the object of his desires, which, if it did not alarm the court of Rome into concession, might almost render its sanction needless. The bold proceedings of the council of Constance in deposing and electing popes (to say nothing of their decrees) had deeply rooted and widely spread the belief, that whatever might be the power of popes when there was no council, the catholic church assembled in a general council had an authority paramount to that of the supreme pontiff; but a general council could not be now assembled without the consent

* Dumont, Corps Diplomatique, iv., part ii. p. 1. The marriage of Alexander de Medici to Margaret of Austria, the emperor's natural daughter, was a badge of the friendship between his holiness and his imperial majesty. Treaty, art. iv. Corps Diplom. suprà, 3.

of the emperor, who would certainly withstand every project for facilitating the divorce. In this perplexity a species of irregular appeal to the church in its dispersed state appeared to be the best substitute for a favourable council or pope. Questions were, therefore, framed by Henry's command, addressed to the universities of Europe, to obtain their opinion on the validity of the king's marriage with his brother's widow. These learned bodies, at the head of whom were theologians, canonists, and jurists, did seem, indeed, to be the virtual representatives of the church in its state of compulsory inactivity, since they were certainly the men who would exercise the greatest share of moral influence over the determinations of a general council. The cases submitted to their judgment were clear, and the points in dispute were fairly stated *; the questions were, whether marriage with a brother's widow was prohibited by the divine law, and if it were, whether a papal dispensation could release the parties from its obligation. The most moderate of them answered, that such a marriage could not be attempted without a breach of the divine law, even with a dispensation or permission from the supreme pontiff. The French universities of Orleans, Angers, Bourges, and Toulouse, and the Italian universities of Ferrara, Padua, and Pavia, concurring with Bologna and Paris, the two most famous schools of civil and canon law on the Continent, decreed that the marriage with Catherine was so mere a nullity as to be incurable even by a papal dispensation. The doctors of Bologna † deviated somewhat in their language from the calmness of a recluse and studious character; for they pronounced the marriage to be not only horrible and detestable to a Christian, but utterly abominable among infidels; that

* Rymer, xiv. 290, &c. 1529.

† Rymer, xiv. 393.; and the disclaimer of influence by force or fear. Ib. 395. by the Bolognese doctors on oath. An acute writer of the present age has referred his readers for proof to Rymer, xiv. 393. 397., which to me, seems to prove nothing but the anxiety of the doctors to conceal their decree from the pope's governor of Bologna, who must have been adverse to it. This sort of secrecy brings no discredit on the instrument which purports to be the act of all the doctors of theology in the university. "*Omnes doctores theologi convenimus.*" Rymer, ut suprà.

the most holy father, to whom were intrusted the keys of heaven, and who could do almost all other acts, could not release a man from a prohibition fenced round by all laws human and divine. Bologna, a recent and imperfect acquisition of the holy see, which had surrendered only twenty years before to Julius II. on conditions, which, if fairly executed, left the external administration in the hands of the people, affected, perhaps, while the pope was a prisoner, to display somewhat wantonly the remains of ancient independence. Still the university of that city, and the two universities of the Venetian states, were placed in circumstances favourable to impartiality. All the universities of France can hardly be suspected of dreading so much the displeasure of Francis for unfavourable answers to his ally, as to have disgraced themselves by falsehood. That money was plentifully distributed seems to be certain; but that the apparent consent of all the learned catholics, who gave an opinion relating to this affair, was chiefly purchased by the distribution of bribes, is an assertion improbable in itself, and which would redound more to the dishonour of the established church than most of the charges made against her by the hottest zealots of reformation.

Some of the universities are said by the catholics to have been obtained by packed meetings, some by minorities usurping the character of majorities. These are the too frequent faults of public bodies, and the constant imputation thrown on their decisions by defeated parties; and they are too general to deserve much attention until new and more successful attempts shall be made to support specific charges by reasonable proof. The doubt, be it remembered, entirely relates to the share which undue practices had in influencing the English and foreign universities. Those transactions of better times which have affected the interests of statesmen, or the passions of princes, have not been untainted by the like evil motives and impure means. The English universities were thought at first to be unfriendly to the

king's cause, and came over to him slowly, not from undue influence alone, but probably also by a fellow-feeling with the people, who, after having listened only to pity for an illustrious lady, gradually allowed their generous zeal to be damped by time. The German protestants refused to purchase the good will of Henry by sanctioning the divorce.* No answer was made by the catholic universities of Germany, because they were under the domineering power of the emperor, whose universities in Italy and Spain were also totally silent. That monarch must have prevented the English agents from access to professors; or he must have commanded these last to make no answer to the questions on which they would otherwise have been consulted. In either case the undue influence used by Charles seems to be as certain in catholic Germany, in Lombardy, Naples, and the Spanish Peninsula, as that of Henry in England, or of his ally Francis in France.

Dr. Thomas Cranmer, a divine of note at Cambridge, who, though born in the dark period of 1483, began to cultivate the more polite and humane literature introduced by Erasmus into northern Europe, early caught some sparks of that generous zeal for liberty of writing, which the humanists (so the followers of that great scholar were called) were accused of carrying to excess. His preference of the new learning did not arise from ignorance of the old: he was eminent both as a theologian and canonist; and was regarded as one of the ornaments of the university. His nature was amiable, and his conduct hitherto spotless. He suggested the appeal to the universities in a conversation with Fox and Gardiner, the king's confidential counsellors and subservient agents. It was relished and adopted: Cranmer was sent on missions, originating in that question, to France and Italy; and it appears from his private marriage with the niece of Osiander, a protestant divine of Nuremburg,

* "All Lutherans be utterly against your highness in this cause." Croke from Venice, July 1. 1530. Burnet's Hist. Reform. Appendix to Rec. of book ii. number 33.

that during his more important mission to Germany, he, on some points approached, if he did not overpass, the threshold of Lutheranism. On the death of Warham on the 30th of March, 1533, he was raised to the archiepiscopal see of Canterbury; a station for which he was fitted by his abilities and virtues, but which was, in fact, the unsuitable reward of diplomatic activity for a very ambiguous purpose.

The history of public events in this and the two following reigns, will, better than any general description, display the excellent qualities of his nature, and the undeniable faults of his conduct.

At Viterbo, on the 8th of June, 1528*, a commission to cardinals Wolsey and Campeggio, conjointly, or to either separately, to hear and determine the matrimonial suit, and to do all acts that are necessary for the execution of their sentence. On the arrival of Campeggio, in October, 1528, he made an attempt to smooth the way, by persuading Catherine to embrace a religious life, as he had endeavoured previously to dissuade Henry from farther pursuing the divorce. Both these attempts were unsuccessful. Catherine once more spurned the unmotherly proposal. The popular feeling which was favourable to her obliged her husband to remove Anne Boleyn for a while from court, and to assure a great council of peers, prelates, and judges, whom he convoked on Sunday the 8th of November, in the great hall of his palace of Bridewell, that he was moved in his late proceedings, solely by a desire to know whether his marriage was void, and consequently whether his daughter Mary was the rightful heir of the crown; whether, "he begot her on his brother's wife, which is against God's law. Think you my lords," added he, "that these words touch not my body and soul. For this only cause I protest before God, and on the word of a prince, I have asked counsel of the greatest clerks in Christendom, and sent for the legate as a man indifferent between the parties."†

* Rymer, xiv. 295. † Hall, 754.

The countenances of the hearers formed a strangely diversified sight; some sighed and were silent, some showed tenderness to the king's scruples: the queen's most sagacious friends were sorry that the matter was now so far published as to cut off retreat or reconciliation. These perplexities afforded a plausible pretext to Campeggio to desire time for new instructions from Rome, in order to obtain delay, of which he knew the pope to be desirous. The dangerous illness of the pope in the spring of 1529 retarded the answer, and is said to have once more turned the ambition of Wolsey towards the tiara, now more than ever inaccessible to him.

Among other expedients for prolonging the suit before the legate's court, Campeggio suggested one drawn from the storehouse of Roman chicane. The courts of Rome having a long vacation, from July to October (the period of greatest danger to health from the Roman atmosphere), the legate maintained that all courts deriving authority from the pope were bound to suspend their sittings during that time. Wolsey consented, and the king began to consider him as a minister of too much refinement and duplicity, who, as he aimed at doing equally well with the papal and royal courts, was to be no longer suitable to the impatience prevalent at the latter. Catherine, who had secret friends at court, excited the suspicions of the king against her enemy the cardinal, without perhaps knowing that her rival Anne Boleyn was already employed as one of the instruments of his overthrow. The man who had been so long a domineering favourite all parties openly or privily joined to destroy. The attorney-general, on the 9th of October, 1529, commenced a prosecution against him for procuring bulls from Rome without the king's licence. On the 17th of the same month the great seal was taken from him. The charge was doubtless the consummation of injustice, since Wolsey had obtained these bulls with the knowledge and for the service of the king, and had executed them for years under the eye of

his ungrateful master. On the 1st of December, 1529, the lords, with sir Thomas More, the new chancellor, at their head, presented an address to the king, enumerating various articles of accusation against the tottering cardinal, and praying that he might no more have any power, jurisdiction, or authority within the realm: this address was sent to the commons for their concurrence; but the more serious parts of it were confuted with such ability as well as fidelity by the cardinal's grateful servant Thomas Cromwell, that it was found impossible to prosecute the accusation of treason.

The dilatory proceedings of the legatine court had much contributed to widen the breach between the king and his minister. They seem indeed to have been spun out to a length which an impatient prince was not likely much longer to endure. The only memorable circumstance in the progress of the suit was the calm dignity with which the queen asserted her own wronged innocence, and displayed the superiority of plain sense and natural feeling over those legal formalities which are so hateful when they are abused. Kneeling before her husband, she is said to have addressed him in words to the following effect: — "I am a poor woman, and a stranger in your dominions, where I can neither expect good counsel nor indifferent judges. But, sir, I have long been your wife, and I desire to know wherein I have offended you. I have been your spouse twenty years and more. I have borne you several children. I have ever studied to please you, and I appeal to your conscience whether in the earliest moments of our union you were not satisfied that my marriage with your brother was not complete. Our parents were accounted the wisest princes of their age, and they were surrounded by prudent counsellors and learned canonists. I must presume their advice to have been right. I cannot therefore submit to the court, nor can my advocates*, who are your subjects, speak freely for me."

* The bishops of Rochester and St. Asaph, with Dr. Ridley. The first soon after fell for his religion. The last, at the distance of twenty years, displayed equal virtue.

In the progress of this trial the unwonted humility of Wolsey in yielding the precedence to Campeggio awakened suspicions of his cordiality, which were countenanced by his acquiescence in his colleague's procrastination.

A remarkable coincidence of circumstances now occurred which might have alarmed a less jealous monarch. On the 15th of July, Clement, in spite of promises, removed the suit from the legatine court to be heard before himself at Rome. The bull of *avocation* was in three days after despatched to England, where the messenger found the legatine court adjourned for two months, under the pretence of the necessary conformity of all papal courts to the usages of the Roman tribunals. This unreasonable suggestion originated indeed with Campeggio, but was connived at by Wolsey. It is not easy to believe that it was not concerted with Clement to afford ample time for his avocation before the legates could again assemble, and thereby to silence the most effective species of legal resistance. Campeggio, in obedience to the instructions of Clement, quitted England, and the pope summoned the English monarch to appear before him at Rome in forty days,—an insult which, though in some measure repaired, was never forgiven.

To the other circumstances of suspicion against the cardinal must be added that sir Frances Bryan was said to have obtained possession of a secret letter from Wolsey to the pope, which gave reasonable grounds for apprehending that the cardinal covered an illicit and clandestine intercourse under his official correspondence with the holy see. Anne Boleyn is said by her enemies to have stolen this letter from Bryan, and to have showed it to the king.* These practices were not peculiar to one of the parties. The emperor did not fail to communicate to his aunt, the queen of England, the intrigues carried on at Rome, and her remaining friends at court conveyed the intelligence from her to the king.

* Herbert, 123, 124.

Wolsey confessed his offence against the statute of premunire*, of which he was technically guilty, inasmuch as he had received the bulls without a formal licence. The court necessarily pronounced by their sentence, "that he was out of the protection of the law; that his lands, goods, and chattels were forfeited, and that his person was at the mercy of the king." The cardinal, with his vast possessions, fell by this sentence into the king's hands. That prince sent presents and kind messages to the discarded minister, and suffered him to remain at Esher, in Surrey, a country house of his bishopric of Winchester. Here, however, Henry, with characteristic caprice, left him with some relaxation of apparent rigour; but without provision for his table, or furniture for his apartments. The sequel of his residence near London was marked by the same fluctuation on the part of Henry, whose inconsistencies probably resulted from his proneness to be moved to action by every impulse of a present passion. In February, 1530, Wolsey was pardoned and restored to his see of Winchester, and to the abbey of St. Alban's †, with a grant of 6000*l.*, and of all other rents not parcel of the archbishopric of York. Even that great diocese was afterwards restored. He arrived at Cawood Castle about the end of September, 1530, where he employed himself in magnificent preparations for his installation on the archiepiscopal throne. At that moment his final ruin seems to have been resolved on. The earl of Northumberland, the former suitor or betrothed spouse of Anne Boleyn, was chosen to apprehend him for high treason. He was carried first to lord Shrewsbury's castle of Sheffield, where he was compelled by his distempers to rest, and afterwards to the abbey of Leicester. He breathed his last at that place, on the 30th of November, 1530. A journey from York to Leicester on horseback so near to midwinter rendered a disorder in

* 25 Ed. 3. 1., especially 16 R. 2. c. 5, called by Pope Martin V. "*execrabile statutum quod omni divinæ et humanæ rationi contrarium est.*" Dod. Ch. Hist. i. 267.

† 17th Feb. 1530. Rymer, xiv.

his bowels, under which he laboured, mortal. His dying words were, "If I had served God as diligently as I have done the king, he would not have given me over in my grey hairs. This is the just reward that I must receive for the pains I have taken to do him service, not regarding my service to God." * Had such feelings pervaded his life, instead of shining at the moment of death, his life would have been pure, especially if his conception of duty had been as exact as his sense of its obligation was strong. "If he had been more humble, or less wealthy," says lord Herbert, "he was capable of the king's mercy." † The sudden and violent fall of a man from the pinnacle of greatness to an unexpected grave is one of the tragic scenes in human affairs, which has a power over the heart, even when unaided by esteem; and often reflects back on his life an unmerited interest, which though inspired by the downfall is in some degree transferred to the fallen individual. ‡

It is manifest that as Henry approached a final determination to set at nought the papal authority, he must have perceived that Wolsey was an unsuitable instrument for that high strain of daring policy. The church and court of Rome had too many holds on the cardinal. As their political schemes diverged, the ties of habit and friendship were gradually loosened between the king and the cardinal; perhaps at last a touch from the hand of Anne Boleyn brought him to the ground, to clear the field for counsellors more irreconcilable to the supreme pontiff.

A strong symptom of the king's growing determination appeared in June, 1530, in a letter to the pope from two archbishops, two dukes, two marquesses, thirteen earls, five bishops, twenty-five barons, twenty-two mitred abbots, and eleven knights and doctors, beseeching his holiness to bring the king's suit to a speedy de-

* Holinshed, iii. 755. † Herbert, 125.

‡ Of chance and change and fate in human life,
High actions and high passions best describing.
Paradise Regained.

termination; and at the same time intimating, in very intelligible and significant language, that if he should delay to do justice he would find that desperate remedies may at length be tried in desperate distempers.* On the 27th of September an answer to this alarming address was despatched, containing specious explanations and fair promises. But a few days before, Gregory Casallis, the English agent at Rome, acquainted his master that the pope had secretly proposed to allow Henry to wed a second wife during the life of the first.† Casallis suspected this suggestion to be an artifice of the imperial party, perhaps to bring odium on Henry if he accepted it, but it was more probably intended to save the house of Austria from seeing one of her daughters repudiated.‡ This expedient was naturally more acceptable to the pope, because it implied no charge of usurpation on his predecessor, and perhaps, also, because polygamy was not prohibited by the letter of the Mosaic law. Had the proposal been made at an earlier period, Casallis might have welcomed a suggestion which would gratify the passion of his master, protect the dignity of an Austrian princess, and preserve consistency between the acts of successive pontiffs. But the Roman court with all its boasted state-craft was unpractised in the policy of concession, and had lingered till after the return of a spring-tide had rendered retreat no longer practicable.

The king and people of England were prepared by several circumstances for resistance to the papacy, though not, perhaps, for separation from the church. The ancient statutes for punishing unlicensed intercourse with the popedom, which were passed when the residence of the popes at Avignon threw them into the hands of France, had familiarised the English nation to the lawfulness of curbing papal encroachments. The

* Rymer, xiv. Herbert, 141. Wolsey is the first subscriber to this letter.

† Herbert, 141.

‡ Casallis gives no such hint, and considers the proposal hostile.

long schism which had divided the western church into separate and adverse bodies, the adherents of various pretenders to the triple crown, had inured all Europe to the perilous opinion, that a pope might usurp, and that a revolt against him might become a duty. The council of Constance closed the schism, but struck a more fatal blow at the pontifical power, by subjecting the papal crown to the representative assemblies of the church. The remains of the English Lollards were roused from their places of refuge by the noise of a more mighty revolt on the neighbouring continent against the mystical Babylon. The prevalence of the Lutherans along the line of coast which stretches from the mouth of the Meuse to that of the Oder, gave the utmost facility to the importation of dreaded opinions from Germany and the Netherlands, with which England had her chief traffic. They were gladly received by the traders of the southern sea ports, the most intelligent and prosperous body of men in the kingdom. The martyrdom of Bilney and of others, who laid down their lives for protestantism, served rather to signalise the growing strength of the revolters than to damp the spirit of reformation.

But it may well be doubted whether the bulk of the people were not yet as unprepared as their sovereign for a total revolution in doctrine and worship. There was no previous example of success in an attempt so extensive. Henry and his subjects seemed at the period of the divorce to be ready only to reform ecclesiastical abuses, and to confine the pontifical authority within due limits.

In the spring of 1533, the queen resided at the royal honour of Ampthill, in Bedfordshire.* Cranmer came to the neighbouring priory of St. Peter, at Dunstable, where, by virtue of his duties as primate and legate, he instituted a judicial investigation into the validity of the alleged marriage. The evidence for the king was

* In days of old here Ampthill towers were seen,
The mournful refuge of an injured queen.

laid before the court. Catherine, with the firmness of a royal matron, maintained her own dignity and the rights of her daughter. After being summoned for fifteen successive days, she was pronounced to be contumacious. On the 23d day of May, 1533, Cranmer pronounced his final judgment, declaring the alleged marriage between the king and the lady Catherine of Castile to have been null and void, and enjoining the parties no longer to cohabit. On his return to Lambeth, by another judgment, of which he did not assign the grounds, bearing date on the 28th of May, 1533, he confirmed the marriage of the king with the lady Anne, which had been privately solemnised by Dr. Lee, afterwards bishop of Lichfield, about St. Paul's day. She was crowned on the 1st of June. As the archbishop had long before publicly avowed his conviction of the invalidity of Catherine's marriage, there was no greater fault than indecorum in his share of these proceedings; for the sentence of nullity only declared the invalidity of a contract which had from the beginning been void. But it must be owned that Cranmer, who knew of the private marriage about a fortnight after it was solemnised, is exposed to a just imputation of insincerity, throughout his subsequent judicial trial of the question, on which the legitimacy of that ceremony depended. Several preparations had been made for these bold measures. Wolsey had exercised the legatine power so long, that the greater part of the clergy had done acts which subjected them to the same heavy penalties, under the ancient statutes, which had crushed the cardinal. No clergyman was secure. The attorney-general appears to have proceeded against the bishops in the court of king's bench, and the conviction of the prelates would determine the fate of their clergy. After this demonstration of authority, the convocation agreed to petition the king to pardon their fault. The province of Canterbury bought this mercy at the price of a grant of 100,000*l.*: that of York contributed only 18,000*l.* Occasion was then taken to

introduce a new title among those by which the petitioners addressed the king, who was petitioned as "Protector of the Clergy, and supreme Head of the Church of England;" a mode of expression which seemed suitable to the prayer of their petition, rather than intended to be a legal designation. Archbishop Warham supported the designation. Even Fisher consented, on condition of the insertion of the words, "as far as the law of Christ allows." This amendment was, indeed, large enough to comprehend every variety of opinion. But thus amended it answered the purpose of the court, which was to take this unsuspected opportunity of insinuating an appellation, pregnant with pretension, amidst the ancient formularies and solemn phraseology consecrated by the laws, and used by the high assemblies of the commonwealth. The new title, full of undefined but vast claims, soon crept from the petitions of the convocation into the heart of acts of parliament. A bill against ecclesiastical abuses was (fatally for themselves) with success combated by the bishops and abbots. In the following session more attacks were made against the established church, which seem to have supplied lord Herbert with a pretext for the ingenious speech on this subject which he puts into the mouth of an anonymous and probably imaginary commoner.*

The principal members of the administration which succeeded Wolsey were the dukes of Norfolk and Suffolk, and the lord chancellor More. They were friendly to a reformation of abuses in the church, though not prepared for a revolution in her doctrine and constitution. The pure and illustrious name of More seemed to suffice as a pledge for a reformation which should be effectual without being subversive of the rights and interests of the church. To this government was not long after added Thomas Cromwell, a man whose life was a specimen of the variety of adventures and vicissitudes of fortune incident to the leading actors of a revolutionary age. The son of a fuller near London, he had served as a trooper

* Herbert, 137, 138.

in the wars of Italy, and as a clerk at the desk of a merchant of Venice. On his return to England he studied the law, but was soon taken into the service of Wolsey, whom he defended in adversity, not only with great ability, but with a fidelity still more respectable. His various experience, his shrewdness and boldness, recommended him to Henry, who required a minister more remarkable for the vigour of his mind than for the delicacy of his scruples. He had, perhaps, heard the preaching of Luther, he might have taken an active part in the sack of Rome. He tempted his master with the spoils of the church: he hinted at the success which had attended the daring policy of the German princes. No practical measure had hitherto been adopted against the Roman see, but the stoppage of the *annates,* a first year's income of vacant bishopricks, from which the revenue of the cardinals resident at Rome was derived. This statute provides every softening compatible with an effective prohibition, and makes ample provision for private adjustment; becoming coercive only on the failure of all spontaneous compromise.* But it touched the connection with Rome at the critical point of money, and gave it to be understood that still larger sources of revenue might be turned to another channel. The convocation had been obliged to undertake that they should make no canons without the king's licence; and, though this measure was softened by limitations, it nevertheless served to throw light on the king's being "head of the church," a phrase which it was evident was not intended to remain a vain and barren title. In all these movements Luther was the prime, though the unconscious, mover. His importance would be imperfectly estimated by the mere number of those who openly embraced his doctrine. Many there were who, though not Lutherans, were moved by the spirit which Luther had raised. Some became moderate reformers to

* 23 Hen. 8. c. 20. Stat. of the Realm, iii. 385. The pardon to the clergy of the province of Canterbury is confirmed by 22 Hen. 8. c. 15. Stat. Realm, iii. 334. The like to those of the province of York by 23 Hen. 8. c. 19. The language respecting the king's supremacy is not repeated in these acts of parliament.

avert his reformation, which they feared and hated. Others adopted a cautious and mild reformation, from inclination towards the principles of the great reformer. Many were influenced by a persuasion that it was vain to struggle against the stream; and not a few must, in all such times, be infected by that mysterious contagion which spreads over the world the prevalent tendencies of an age. Cranmer was raised to the see of Canterbury on the death of Warham, who is celebrated by Erasmus among his kindest friends and most generous patrons.

Henry was now on the brink of an open breach with the apostolic see, and was about to appear as the first great monarch, since the extinction of the race of Constantine, who had broken asunder the bonds of Christian communion. At the next step he might, perhaps, find no footing. He paused. He, as well as his contemporaries, doubtless felt misgivings that the example of this hitherto untried policy might not only eradicate religious faith, but shake the foundations of civil order, and perhaps doom human society to a long and barbarous anarchy.

By a series of statutes passed in the years 1533 and 1534, the church of England was withdrawn from obedience to the see of Rome, and thereby severed from communion with the other churches of the west. Appeals to Rome were prohibited, under the penalties of *premunire**; the clergy acknowleged that they could not adopt any constitution without the king's assent†; a purely domestic election and consecration of all prelates was established‡; all pecuniary contributions, called Peter-pence, imposed by "the bishop of Rome, called the pope," were abolished; all lawful powers of licensing and dispensing were transferred from him to the archbishop of Canterbury; and his claims to them are called usurpations made in defiance of the true principle, "that your grace's realm recognising no superior under God but only your grace has been, and is, free from subjection to the laws of any foreign prince, potentate, or prelate." After thus

* 24 Hen. 8. c. 2. Stat. of the Realm, iii. 427.
† 25 Hen. 8. c. 19. ‡ 25 Hen. 8 c. 20.

excluding foreign powers by so strong a denial of their jurisdiction, the same important statute proceeds to affirm that "your majesty is supreme head of the church of England, as the prelates and clergy of your realm representing the said church in their synods and convocations have recognised, in whom consisteth the authority to ordain and enact laws by the assent of your lords spiritual and temporal, and commons, in this present parliament assembled."* This bold statute was qualified by a singular proviso, which suspended its execution till midsummer, and enabled the king on or before that day to repeal it; probably adopted with some remaining hope that it might have terrors enough to countervail those which were inspired by the imperial armies. By the next statute† provision was made for the succession to the crown, the object and the bulwark of the ecclesiastical reformation. It confirmed the judgments of Cranmer, which had pronounced the marriage with Catherine to be void, and that with Anne to be valid. It directed that the lady Catherine should be henceforth called and reputed only dowager to prince Arthur, and settled the crown on the heirs of the king by his lawful wife, queen Anne. This succession was guarded by a clause, perhaps unmatched in the legislation of Tiberius, which enacted, "that if any person by writing, print, deed, or act, do, or cause to be procured or done, any thing to the slander, prejudice, disturbance, or derogation of the lawful matrimony between your majesty and the said queen Anne; or as to the peril, slander, or disherison of any of the issue of your highness, limited by this act to inherit the crown; such persons, and their aiders and abettors, shall be adjudged high traitors, and they shall suffer death as in cases of high treason." All the king's subjects were required to swear to the order of succession, under pain, if they did not, of the consequence of misprision of treason.

In the next session all these enactments were sanctioned and established by a brief but comprehensive act

* 25 Hen. 8. c. 21. † 25 Hen. 8. c. 22.

"concerning the king's majesty to be supreme head upon earth of the church of England, which granted him full power to correct and amend any errors, heresies, abuses, &c., which by any ecclesiastical jurisdiction might be reformed or redressed."* The oath to the succession was also re-enjoined†, and its terms were somewhat altered. The first-fruits, and the tenth of the income of all ecclesiastical benefices, were granted to the king, and commissioners were appointed to value the benefices, with a machinery afterwards so enlarged as to be instrumental in promoting rapine on a more extended scale.‡

The acquiescence, or rather the active co-operation, of the established clergy in this revolution is not one of its least remarkable features. Several bishoprics were then vacant, in consequence of the disturbance of intercourse with Rome. Six bishops, however, sanctioned by their vote every blow struck at the church. Fourteen abbots were generally present when the number of temporal peers who attended were somewhat more than forty. They did not shrink from the deposition of Catherine, by reducing her title to that of princess-dowager of Wales. By ratifying the marriage of Anne Boleyn they adopted those parts of the king's conduct which most disgusted the people. The bill for subjecting the clergy to the king as their sole head was so favourably treated as in one day to be read three times and passed: no division appears on these measures. After the vacancies in the episcopal order were filled up, the usual number of bishops attending without opposition was sixteen.§ Two prelates, Heath of York, and Tunstall of Durham, were the messengers chosen to convey to Catherine the tidings of her solemn degradation in parliament. Whether we ascribe this non-resistance to dread of the king's displeasure, or to a lukewarm zeal for the established religion, it affords a striking and instructive contrast to the stubborn resistance of the best and most honest of them in the beginning to the moderate reform

* 26 Hen. 8. c. 1.
† Ibid. c. 2.
‡ Ibid. c. 3.
§ 1 Lords' Journals, 56, &c.

of such odious grievances as pluralities and non-residence. They were now compelled to sacrifice more than it was fit so suddenly to require; and very considerably more than what, while the people were calm, would have satisfied their wishes.

Elizabeth Barton (the holy maid of Kent) was at this time a nun profest in the priory of St. Sepulchre at Canterbury. She had for years been held in reverence among the adherents of the ancient faith for her spotless life, and the more than usual ardour of her devotional feelings. She believed herself (for what could be her motive for fraud?) to be divinely endowed with the powers of working miracles, in which was comprehended that of foretelling future events; in order that by a timely manifestation of such mighty powers wielded by a feeble virgin an evil and corrupt generation might be recalled from that universal apostasy to which they were hastening. Several gentlemen and clergymen of Kent believed in her mission. Even the learned and the wise, — the honest bishop Fisher, and the amiable archbishop Warham, gave credit or countenance to her pretensions. The mighty intellect and conscious purity of sir T. More himself did not so far preserve the serenity of his mind as to prevent him from yielding to this delusion, — enough at least to enable his enemies to charge him with a share in it. At first it should seem that she and her Kentish associates were tried only in the star-chamber, where it was thought sufficient to punish them by standing at Paul's Cross during the sermon, and by reading on that occasion a public confession of their imposture.* The unhappy woman was subject to faintings and convulsions, the natural consequence of religious emotions agitating a frame which had been weakened by fasts below its ordinary feebleness. In these trances she saw marvellous visions which naturally turned on the extraordinary events which were passing around her. A transient delirium probably often clouded her senses, when on every subject but her prevalent illusion

* Holinshed.

she spoke and thought rationally. She might have heard the death of Henry spoken of as probable in troublous times, and perhaps represented as a desirable event by catholics incapable of contributing to it. The presumptuous belief in divine judgments prepared her mind to receive deep impressions from such topics. Nothing could be more natural than that in her wild agitation she should prophesy evil to evil doers; or that she should denounce punishment against those whom she deemed the greatest criminals. She and her abettors were attainted for high treason, inasmuch as "she," says the statute, "declared that she had knowledge by revelation from God, that God was highly displeased with our said sovereign lord, and that, if he proceeded in the said divorce and separation and married again, he should no longer be king of this realm; and that in the estimation of Almighty God he should not be a king one hour; and that he should die a villain's death."* She was executed for misfortunes which ignorance and superstition regarded as crimes; for the incoherent language and dark visions of a disturbed if not alienated mind.

Fisher, bishop of Rochester, was attainted by the act against Barton: by a separate statute he was afterwards attainted of misprision of treason for not taking the oath to the succession. But it seems that his age, learning, and virtue, might have preserved his life, if Paul III. had not endeavoured to secure it more perfectly by the dignity of a prince of the church. Henry, who deemed it an indignity to him to act as if a grace granted by Rome could protect the object of it from his anger, commanded the aged prelate to be put to death, saying, that the pope might send a cardinal's hat, but that Fisher should have no head to wear it. With this scurvy jest, and with such brutal defiance, did Henry begin his new career of sanguinary tyranny.

The next of his deeds of blood has doomed his name to everlasting remembrance. The fate of sir Thomas

* 25 Hen. 8. c. 12.

More was unequalled by any scene which Europe had witnessed since the destruction of the best and wisest of the Romans by those hideous monsters who wielded the imperial sceptre of the West. It will be difficult, indeed, to point out any man like More since the death of Boethius, the last sage of the ancient world. Others imitated the Grecian arts of composition more happily; but when we peruse those writings of More which were produced during the freedom and boldness of his youth, we must own that no other man had so deeply imbibed, from the works of Plato and Cicero, their liberty of reasoning, their applications of philosophy to affairs and institutions, to manners and tastes; in a word, their inmost habits of thinking and feeling. He faithfully transmits the whole impression which they made on his nature. He imprinted it with some enlargement and variation on the minds of his readers. Those who know only his *Utopia* will acknowledge that he left little of ancient wisdom uncultivated, and that it anticipates more of the moral and political speculation of modern times than can be credited without a careful perusal of it. It was the earliest model among the moderns of imaginary voyages and ideal commonwealths. Among the remarkable parts of it may be mentioned the admirable discussions on criminal law, the forcible objections to capital punishment for offences against property, the remarks on the tendency of the practice of inflicting needless suffering on animals in weakening compassion and affection towards our fellow-men. The specious chimera of a community of goods allured him, as it had seduced his master Plato. The guilt and misery caused by property lie on the surface of society; the infinitely greater evils from which it guards us require much sagacity and meditation to unfold; insomuch that it is hard to determine what sort of instinct restrains multitudes in troubled times from making terrible experiments on this most tempting of all subjects.

The most memorable of sir Thomas More's speculations was the latitude of his toleration, which in Utopia,

before he was scared by the tumults of the Reformation, he expressly extends even to atheists. "On the ground that a man cannot make himself believe what he pleases, the Utopians do not drive any to dissemble their thoughts by threats, so that men are not tempted there to lie or disguise their opinions."* It must be owned that he deviated from his fair visions of intellectual improvement after he was alarmed by the excesses of some of Luther's followers. He took a part in the execution of the barbarous laws against heretics, as many judges since his time have enforced criminal laws which punish secondary crimes with death, and in which no good man not inured to such inflictions by practice could have taken a share. Yet even in his polemical writings against Luther he represents the severities of sovereigns against the new reformers as caused by their tumults and revolts; and at last declares that he heartily wishes for the exclusion of violence on both sides, trusting to the final triumph of truth.

He was the first Englishman who signalised himself as an orator, the first writer of a prose which is still intelligible, and probably the first layman since the beginning of authentic history who was chancellor of England, a magistracy which has been filled by as many memorable men as any office of a civilised community.

But it is time to turn from his merits, his rank, and his fame, to the mournful contemplation of his last days. He had been imprisoned for about twelve months, apparently in pursuance of his attainder for misprision in not having taken the oath to maintain the succession. He was brought to trial on the 7th of May, 1535, before lord Audley the chancellor, the duke of Norfolk, the chief justice, and six judges, of whom Spelman and Fitzherbert were lawyers of considerable note. The accusation against him was high treason, grounded (if on any legal pretext) on the monstrous clause of the recent

* Utopia (English translation), 180. London edition, 1684. Utopia appears, from internal evidence, to have been written in, or before, the year 1516, and consequently a year before the first preaching of Luther.

act*, which made it treason "to do any thing by writing or act which was to the slander, disturbance, or prejudice of the marriage with the lady Anne; or to the disherison or disturbance of the king's heirs by her." Both he and Fisher proposed their readiness to swear that they would support the succession to the crown as established by parliament; but they declined to take that oath, if it were understood to involve an affirmation of the facts recited in the preamble of the statute, as the premises from which the statute infers the practical conclusion respecting the legitimacy of the succession. They abstained thereby from affirming or denying, first, that Henry's marriage with Catherine was invalid; or, secondly, that his marriage with Anne was valid; and, thirdly, they refused to disclaim all foreign authority in the kingdom, the disclaimer extending to spiritual authority, although that is in its own nature no more than a decisive ascendant over the minds of those who spontaneously submit to it. More was so enfeebled by imprisonment that his limbs tottered when he came into the court, and he supported himself with difficulty in coming forward by a staff. The commissioners had sufficient pity on their late illustrious colleague to allow him the indulgence of a chair. His countenance was pale and wan, yet composed and cheerful. His faculties were undisturbed; and the mild dignity of his character did not forsake him. The first witnesses against him were the privy councillors who had at various times examined him during his imprisonment. Their testimony amounted only to his repeated declaration, "that being loth to aggravate the king's displeasure, he would say no more than that the statute was a two-edged sword; for if he spoke against it, he should be the cause of the death of his body; and if he assented to it, he should purchase the death of his soul." It is obvious that this answer might be perfectly innocent, even according to Henry's own code; and that, even if it had been a positive refusal to take the oath it

* 25 Hen. 8. c. 22. s. 5.

was only a misprision. Hales, the attorney-general, said, that the prisoner's silence proved his malice.* More replied that he said nothing against the oath, but that his own conscience forbad him to take it, which could be no more than not taking it. The court were driven to the very odious measure of examining a law officer of the crown concerning the real or pretended language of sir Thomas More in a private conversation, where one man might have spoken freely from some trust in the honour of another, where disclosures were alleged to have been made by More at an interview, in the course of which it soon appeared that More had been betrayed by the reasonings of the crown lawyer. Sir Robert Rich, the solicitor-general, was then called as a witness, and said that he had visited More in the Tower, and after protesting he came there without authority, which rendered the communication confidential, he asked More whether if the parliament had enacted that Rich should be king, and that it should be treason to deny it, what offence would it be to contravene the act? that More owned in answer that he was bound to obey such a statute †; because a parliament can make a king, and depose him, and that every parliament-man may give his consent thereunto; but asked whether, if it were enacted by parliament that God was not God, it would be an offence to say according to such an enactment: that More concluded by observing, that the parliament might submit to the king as head; but that the other churches of Christendom would not follow their example or hold communion with them.

* "Ambitiose silebat." Herbert, 183., quotes the words of the indictment, as if he had read them, or heard them from those who had.

† The sincerity of More's statement is corroborated by the uniformity of his opinion respecting popular consent as a necessary condition of the justice of all civil government, which appears by his writings, twenty years before his trial.

"*Populus consentiens regnum dat et aufert.*
* * * * * * *
Quicumque multis vir viris unus præest
Hoc debet his quibus præest;
Præesse debet neutiquam diutius
Hi quam volent quibus præest.
Thom. Mori Epigram. p. 53. Basil, 1518—1520.

On hearing this testimony, sir Thomas More said, "If I were a man, my lords, that had no regard to my oath, I had no need to be now here; and if this oath which Mr. Rich have taken be true, I pray I may never see God's face, which, were it otherwise, is an imprecation I would not be guilty of to gain the whole world. I am more concerned for your perjury than for my own danger. I am acquainted with your manner of life from your youth, you well know; and I am very sorry to be forced to speak it — you always lay under the odium of a very lying tongue. Could I have acted so unadvisedly as to trust Mr. Rich, of whose truth and honesty I had so mean an opinion, with the secrets of my conscience respecting the king's supremacy, which I had withheld from your lordships, and from the king himself? If his evidence could be believed, are words, thus dropt in an unguarded moment of familiar conversation, to be regarded as proofs of malice and enmity against the established order of suecession to the crown?"

This speech touched the reputation of Rich to the quick. He called two gentlemen of the court, who were present at the conversation; but they did not corroborate his story, alleging, most improbably, that their minds were so much occupied by their own business that they did not attend to such a conversation. The truth or falsehood of Rich's account of a confidential conversation very little affects the degree of his baseness. But its falsehood, which is much the more probable supposition, throws a darker shade on the character of the triers who convicted More, and of the judges who condemned him. After his condemnation, he avowed, as he said then (when there was no temptation to suppress truth), for the first time, that he had studied the question for seven years, and could not escape from the conclusion that the king's marriage with Catherine was valid. Audley the chancellor, incautiously pressed him with the weight of authority. "Would you," says Audley, "be esteemed wiser, or of purer conscience,

than all the bishops, doctors, nobility, and commons in this land?" — "For one bishop," answered More, "on your side, I can produce a hundred holy and catholic bishops on mine; and against one realm, the consent of Christendom for a thousand years." He was sentenced to die the death of a traitor; but Henry mercifully changed it to beheading; and he suffered that punishment on the 7th day of July, 1535, in the 55th year of his age.

On his return from his arraignment at Westminster, Margaret Roper, his first-born child, waited on the Tower wharf, where he landed, to see her father, as she feared, for the last time; and after he had stretched out his arms in token of a blessing, while she knelt at some distance to implore and receive it, "she, hastening towards him, without consideration or care of herself, pressing in amongst the throng, and the arms of the guard, that with halberds and bills went around him, ran to him, and openly, in presence of them all, embraced him, took him about the neck, and kissed him. He, well liking her most natural and dear daughterly affection, gave her again his fatherly blessing. After she was departed, she, like one that had forgotten herself, being all ravished with the entire love of her dear father, having respect neither to herself nor to the multitude, turned back, ran to him as before, took him about the neck, and divers times kissed him most lovingly; the beholding of which made many who were present, for very sorrow thereof, to weep and mourn."* In his answer to her on the last day of his life, he expressed himself thus touchingly, in characters traced with a coal, the only means of writing which was left within his reach: —"Dear Megg, I never liked your manner better towards me as when you kissed me last. For I like when daughterly love and dear charity have no leisure to look to worldly courtesy." On the morning of his execution he entreated that his darling daughter might be allowed to attend his funeral. He was noted

* Roper's More, 91., Singer's edition.

among friends for the strength of his natural affection, and for the warmth of all the household and family kindness which bless a home. But he prized Margaret above his other progeny, which she merited by resemblance * to himself in beauty of form, in power of mind, in variety of accomplishments, and, above all, in a pure and tender nature. His innocent playfulness did not forsake him in his last moments. His harmless pleasantry, in which he habitually indulged, now showed his perfectly natural character, together with a quiet and cheerfulness of mind, which formed the graceful close of a virtuous life.†

The only petition he made on the day of execution was, that his beloved Margaret might be allowed to be present at his burial. His friend, sir Thomas Pope, who was sent to announce to More his doom, answered, "The king is already content that your wife, children, and other friends, may be present thereat." Pope, on taking his leave, could not refrain from weeping: More comforted him: "I trust that we shall once in heaven see each other full merrily, where we shall be sure to live and love together in joyful bliss." When going up the scaffold, which was so weak that it seemed ready to fall, he said to the lieutenant, "I pray you, Mr. Lieutenant, see me safe up; and as to coming down, let me shift for myself." Observing some signs of shame in the executioner, he said, "Pluck up thy spirits, man, my neck is very short; take heed therefore of a stroke awry, by which you will lose your credit."‡ On kneel-

* Margareta filiarum Mori natu maxima mulier præter eximiam formæ venustatem cum summâ dignitate conjunctam, judicio ingenio moribus eruditione patris simillima.

"Erat Morus erga suos omnes φιλοστοργος ut non alius magis, sed eam filiam ut erat eximiis prædita dotibus ita diligebat impensius." Erasmus.

† "His death was of a piece with his life. There was nothing in it new, forced, or affected. He did not look upon the severance of his head from his body as a circumstance that ought to produce any change in the disposition of his mind; and as he died under a fixed hope of immortality, he thought any unusual degree of sorrow or concern improper on such an occasion as had nothing in it which could deject or terrify him." The modest beauty of this composition renders it almost needless to inform an English reader, that it is that of Addison.

‡ "Honesty" in Roper, from whose beautiful narrative the greater part of the text is taken. See also, State Trials, vol. i.

ing to receive the fatal stroke, he said to the executioner, "My beard has not offended the king, let me put it aside." That the whole of his deportment in dying moments, thus full of tenderness and pleasantry, of natural affection, of benevolent religion, came without effort from his heart, is apparent from the perfect simplicity with which he conducted his own defence, in every part of which he avoided all approaches to theatrical menace or ostentatious defiance; and, instead of provoking his judges to violence, seemed by his example willing to teach them the decorum and mildness of the judgment seat. He used all the just means of defence which law or fact afforded, as calmly as if he expected justice. Throughout his sufferings he betrayed no need of the base aids from pride and passion, which often bestow counterfeit fortitude on a public death.

The love of Margaret Roper continued to display itself in those outwardly unavailing tokens of tenderness to his remains by which affection seeks to perpetuate itself; ineffectually, indeed, for the object, but very effectually for softening the heart and exalting the soul. She procured his head to be taken down from London Bridge, where more odious passions had struggled in pursuit of a species of infernal immortality by placing it. She kept it during her life as a sacred relic, and was buried with that object of fondness in her arms nine years after she was separated from her father. Erasmus called her the ornament of her Britain*, and the flower of the learned matrons of England, at a time when education consisted only of the revived study of ancient learning. He survived More only a few months, but composed a beautiful account of his martyrdom, though, with his wonted fearfulness, under an imaginary name.†

Perhaps the death of no individual ever produced, merely by his personal qualities, so much sorrow and horror as that of sir Thomas More. A general cry sounded over

* "Brittaniæ suæ decus." Erasm. Ep. Ulreco ab Hutten.

† Conrad. *Nucerinus*, Epist. de Morti T. Mori: probably from Nocera, a town in the papal states, which was the bishopric of Paolo Giovio, a noted historical writer of that period.

Europe. The just fame of the sufferer, the eloquent pen of his friend Erasmus, the excusable pride of the Roman church in so glorious a martyr, and the atrocious effrontery of the means used to compass his destruction, contributed to spread indignation and abhorrence. Perhaps the more considerate portion of men began to pause at the sight of the first illustrious blood spilt on the scaffold in these religious divisions which already threatened some part of the horrors, of which they soon after became the occasion or the pretext. Giovio, an Italian historian, compared the tyranny of Henry with that preternatural wickedness which the Grecian legends had embodied under the appellation of Phalaris. Cardinal Pole, an exiled prince of the royal family of England, lashed the frenzy of his kinsman with vehement eloquence, and bewailed the fate of the martyr in the most affecting strains of oratory. Englishmen employed abroad almost every where found their country the object of dread and of execration. The emperor Charles V. on the arrival of these tidings sent for sir Thomas Elliot, the English ambassador, and said to him, "My lord, we understand that the king your master has put his faithful servant and wise counsellor, sir Thomas More, to death." Elliot answered, "I understand nothing thereof." — "But," replied Charles, "it is too true; and had we been master of such a servant, we would rather have lost the best city in our dominions than such a counsellor."* Mason, who was Henry's agent in Spain, writes with strong feeling of the horror which he sees around him at the imprisonment of the bishop of Rochester, the destruction of More, "the greatest of men," and at the execution of the holy maid of Kent.† "What end this tragedy will come to God wot (knows), if that may be called a tragedy which begins with a wedding." Harvey, the resident at Venice, reports the anger of the Italians at the death of men of such honour and virtue, against all

* Roper's More, 95.; "which matter," says William Roper, "was reported by sir Thomas Elliot to myself, to my wife (Margaret), and to others."

† Ellis's Letters, second series, vol. ii. 56. Mason's words are, "*Ter maximus ille Morus.*"

laws of God and man. They openly speak, he says, of Catherine being put to death, and of the princess Mary speedily following her mother.* He declares that all he hears disgusts him with public life, and disposes him to retire from such scenes.

Cranmer often wanted the courage to resist crimes, but never desired to do evil. In April, 1535, he wrote a letter to Cromwell, earnestly advising the acquiescence of the king in the proposal of Fisher and More, who were ready to swear to the succession as settled by the statute, provided that they were not obliged to include the preamble in their oath. Such a compliance on the part of such eminent men would extinguish all scruples about the succession through the kingdom, and silence even the most zealous partisans of Catherine and Mary.† He may be thought blameworthy for thus limiting himself to topics of no very exalted policy, in a case where justice and humanity were so deeply concerned. But it is a decisive proof of his good faith, that he employed the only reasons which he knew could affect the minds with which he had to deal.

Even Henry himself confidently expected that he should overawe More into submission, and embarked in the proceedings without meditating any farther result. At every step of his progress, the anger of a self-willed man against those who thwart his passions grew stronger as the hope of subduing the conscience of More was enfeebled. More at last died because his sincerity was perfect, and his probity incapable of being shaken. For in all other respects we know, that though the disorders of a revolution had frightened him out of his youthful free-thinking, he was no slave of Rome, no bigoted advocate for the papal authority; but zealously maintained the independence of the civil power, and the principles of the council of Constance,—known in modern times as those of the Gallican church,—

> Who, with a generous but mistaken zeal,
> Withstood a brutal tyrant's useful rage.‡

* Ellis's Letters, second series, vol. ii. 73—77.
† Strype's Cranmer, 695. App., No. xi. Oxford, 1812. ‡ Thomson.

CHAP. VII.

HENRY VIII. — CONTINUED.

PROCEEDINGS AGAINST QUEEN ANNE BOLEYN, AND HER EXECUTION.

1535, 1536.

Had Henry died in the twentieth year of his reign, his name might have come down to us as that of a festive and martial prince, with much of the applause which is lavished on gaiety and enterprise, and of which some fragments, preserved in the traditions of the people, too long served to screen the misrule of his latter years from historical justice. In the divorce of his inoffensive wife, the disregard of honour, of gratitude, of the ties of long union, of the sentiments which grow out of the common habitudes of domestic union, and which restrain the greater number of imperfect husbands from open outrage, throw a deeper stain over the period employed in negotiating and effecting that unjustifiable and unmanly separation. Most readers justly consider this defiance of the most respectable feelings, and the most ordinary decencies, as being very little mitigated by superstitious scruples and unamiable prejudices, of which some admixture may have coloured his passion for a youthful beauty. But the execution of More marks the moment of the transition of his government from joviality and parade to a species of atrocity which distinguishes it from, and perhaps above, any other European tyranny. This singular revolution in his conduct has been ascribed to the death of Wolsey, which unbridled his passions, and gave a loose to his rage. That this was not the opinion formed by Wolsey himself of the king, we know from the dying words of that minister, who knew his master enough to foretell that his master would prove unmanageable whenever a sharp enough spur should strike his passions. Had Wolsey refused to con-

cur in the divorce, he was not likely to be better treated than More. Had he stept into blood, he must have waded onward, or he would have been struck down on his first attempt to fly. No change of administration could account for more than that part of his conduct which had the form of acts of state, and consisted in measures of civil or ecclesiastical policy. But the total change of Henry's conduct relates still more to his deeds as a man than to his system as a king. He is the only prince of modern times who carried judicial murder into his bed, and imbrued his hands in the blood of those whom he had caressed. Perhaps no other monarch, since the emancipation of women from polygamy, put to death two wives on the scaffold for infidelity, divorced another, whom he owned to be a faultless woman, after twenty-four years of wedded friendship, and rejected a fourth without imputing blame to her, from the first impulse of personal disgust.

The acts of Henry which the order of time now requires to be related must have been much more his own than those of his political counsellors.

Anne Boleyn is acknowledged on all sides to have persevered in her resistance to the unlawful desires of Henry for a considerable period. She was secretly married to the king in January, 1533, and she was crowned on Whitsunday of that year.* The princess Elizabeth, the only surviving child, was born on the 7th of Sep-

* The alleged time of the secret marriage varies very considerably. Hall says, that it took place "on St. Erkenwald's day." Holinshed fixes that day to be the fourteenth of November. Grafton makes the same saint's day to be on the thirtieth of April. His name is not to be found in the list of saints prefixed to "L'Art de vérifier les Dates." But his feast is placed in contemporary calendars, and by Mr. Butler, on the last day of April. The fourteenth of November, however, appears from Dugdale to be the feast of the translation of his body, which might be commonly called his day; hence, probably, the origin of these contradictions. Cranmer says, however, "that it was much about St. Paul's day," by which we must here understand the twenty-fifth of January, the feast of his conversion; though there seems to have been another St. Paul's day, on the fourth of January. Cranmer corroborates his own recollection by adding, that "she is now *somewhat* big with child." He is, unquestionably, the best witness, though he was not present, and did not hear of it till a fortnight after. His letter must have been written in June, a circumstance which excludes the thirtieth of April, as the birth of the princess is incompatible with the fourteenth of November.

Cranmer to Hawkins, the minister at the imperial court. Archæol. xviii. Republished in Ellis's Letters, first series, vol. ii. 33.

tember following. It should seem from Cranmer's language, in a confidential letter, that he believed the princess to have been conceived as well as born in wedlock; and it seems to be generally believed, that a child who came into the world at eight months might exhibit no marks of premature birth. If we should suspect, however, after a matrimonial connection between her and the king had for years been the talk and business of Europe, and when every circumstance at London or Rome combined to persuade her that she was on the eve of her elevation, that she at last suffered her watchfulness to slumber, how much soever we may regret the stain, we must wonder more at her steady resistance than at her ultimate fall.

The death of Catherine, which happened at Kimbolton on the 29th of January, 1536, seemed to leave queen Anne in undisturbed possession of her splendid seat. The king of France made some attempts to reconcile his ally of England to the holy see; a treaty in which Anne would doubtless have been comprehended.

At this moment, when her enemies were removed, and her prospects were cloudless, a storm broke out against her in the breast of the monarch who had a few months before sacrificed the best of his subjects to the honour of her bed and the legitimacy of her issue. We are still uncertain whether he was moved by jealousy, well or ill founded, of her, or by passion for another, or by both these motives conjoined. Lord Herbert, a writer of research, who lived not far from the time, affirms, "she had lived in the French court first, and after in this, with the reputation of a virtuous lady; insomuch that the whisperings of her enemies could not divert the king's good opinion. The king had cast his affections on Jane Seymour, the daughter of sir John Seymour, a young lady then of the queen's bedchamber*," as Anne herself had been in that of Catherine. The love-letters between Henry and Anne, though not free from all grossness, yet, when considered as the letters of a

* Herbert, ii. Kenn. 193.

royal lover, and of a damsel of his court in the sixteenth century, will be regarded as prodigies of delicacy by the readers of Brantome.* One of the unrefined passages seems even to be a proof of fidelity, inasmuch as it breathes the most ardent desire to be honourably united to her, and exhibits every mark of an humble suit for her hand. He obliged lord Piercy and sir Thomas Wyatt to relinquish their pursuit of her. Though the suit of the former had advanced far enough to be thought a promise, he was compelled to quiet the king's suspicions by a hurried marriage with the daughter of lord Shrewsbury.† From one of the most authentic accounts we learn, that "she only at the end yielded to give her consent of marriage to him whom hardly any other was found able to keep their hold against."‡ That she resisted is on all sides allowed; but it is difficult, if it be possible, to assign any time when that resistance ceased, without bringing it so near the period of the secret marriage as to take away the only urgent motive which must be assigned by Anne's enemies for that union. No pregnancy occurred from the first acquaintance till near or after the marriage; a circumstance which cannot be referred to any defect in the constitution of a lady who was twice brought to bed within little more than two years after the time of marriage. He reproaches her for cruelty to one "who was one whole year struck with the dart of love;" which fixes the commencement of his passion in 1527. Had she yielded before the marriage, it is not easy to see the motive of Henry for such persevering ardour. "Waxing great again, the time was taken to steal the king's affection from her§ when most of all she ought to have been cherished." The sycophants watched the growth of his unnatural distaste. "Unkindness grew, and she was brought to bed before her

* Lettres de Henri VIII. et Anne Boleyn, iii. 117. 139.

† Cavendish's Life of Wolsey, 128.; second edition, by Singer, London, 1827.

‡ Idem, 421—449. Wyatt's Mem. of Anne Boleyn, 428.

§ Wyatt, 443.

time, with much peril of her life, of a male child dead born, to her most extreme sorrow." The king is said to have in these circumstances brutally reproached her for the loss of his boy. "Some words broke out from her heart laying the fault on the king's unkindness *," and on his visible passion for Jane Seymour. Other equally credible accounts ascribe her abortion to the alarming intelligence of the king having been thrown from his horse while hunting; which, independent of affection or humanity †, would have endangered her own greatness and the succession of her daughter. Both circumstances might have concurred. Sir John Spelman, one of her judges ‡, mentions a dying declaration of lady Wingfield, transmitted to the king by lady Rochford, the wife of Anne's brother, as having made a strong impression on that prince. These narratives are rather various than contradictory; but none of them would probably have been thought of seriously, if the rumour had not received life and strength from the rising passion for Jane Seymour. The popular story of the scene in the tilt-yard at Greenwich, on May-day, 1536, of a handkerchief dropped by the queen, taken

* Wyatt. Histoire de Anne Boleyn, par un Contemporain, 178.; the earliest account bearing date at London, on the second of June, 1536. This metrical narrative is believed by some, on no certain proof, to be that which Meteren, the Dutch historian, quoted as the work of Crispin, seigneur de Mihelve. Meteren died at London in 1612, where he had long resided as the Dutch consul-general. Some part of his narrative is a literal translation of the metrical narrative. The verbal coincidence with a part of Meteren is better proof of the authorship of the lord of Mihelve than has yet appeared of the claims of others; as, for example, of Marot, to whom it was ascribed by the jesuit Le Grand. We do not find it proved that he ever was in England. In 1535 and 1536 he took refuge at the courts of Bearn and Ferrara, and in the city of Venice. The metrical narrative states the facts alleged against Anne by three lords of the court, on the information of the sister of one of them, who was herself reproached by her brother with the like offences, without contradicting, or appearing to doubt, the truth of the accusation. But as the writer changes his tone so entirely after her imprisonment, he seems to be rather reporting, in the more animated manner, the speeches against her, than adopting their contents; just as, in the sequel, he describes her sufferings, without intending to give any intimation of his judgment for her or against her.

† Hist. de Anne Boleyn, 178.

"A donc le roi s'en allant à la chasse
Cheut de cheval rudement en la place,
Quand la reyne eut la nouvelle entendue
Peu s'en faillit que néchent estendu,
Morte d'ennui."

‡ Burnet.

up and gallantly returned to her by Henry Norris, her supposed lover, having rekindled the jealousy and wrath of Henry so that he suddenly left the joust, commanding the queen to be confined to her apartments, and her accomplices to be sent to the Tower, must be either altogether a pretext, or one of those "trifles light as air" which are proofs only "to the jealous." For it has lately been discovered, that about a week before, namely, on the 24th of April*, a commission was issued, directing certain peers and judges (one of whom, Thomas earl of Wiltshire, was her father,) to enquire into her alleged misdeeds. Facts must have been collected, and some deliberation on their effect must have occurred, before the formal completion of such a commission: the act of executing the commission was a deliberate and conclusive measure. Whatever occurred afterwards could have no more than a faint influence on the succeeding events. These measures must, therefore, have begun when she was scarcely recovered from the birth of her still-born son, and while her husband, her father, and her uncle, though conscious of her destiny, still treated her with courtesy, and probably with apparent kindness.

A tolerable diary of the last seventeen days of her life may be collected, chiefly from the letters of sir W. Kingston, lieutenant of the Tower, to Cromwell. † On the 2d of May she was brought from Greenwich to the Tower by her uncle of Norfolk. She knelt at the gate of that fortress, late her palace, now to be her prison, and ejaculated a short prayer ‡,—"O Lord, help me, as I am guiltless of this whereof I am accused!"—She said to the lieutenant,—"Mr. Kingston, do I go into a dungeon?"—"No, madam," he answered; "you shall go into your lodging where you lay at your coronation." The recollection overpowered her: she cried out,—"It is too good

* This Record is abridged by Mr. Turner. The contents would offend every modest eye, even seen through a Latin medium.

† Strype's Memorials, i. 430—440. Oxford ed. 1822. Ellis, first Series. pp. 41—52. Burnett, State Trials.

‡ Wyatt, 444.

for me: Jesus, have mercy upon me!" She knelt, weeping at a great pace, and in the same "sorrow fell into a great laughing." Her female attendants, and even her aunt Mrs. Boleyn (as if to keep up the consistency of this unnatural tragedy), were placed about her as spies. They reported, with atrocious accuracy, all the incoherent ravings of her hysterical agitation.* They used the arts of tormentresses to inveigle her into admissions of criminality. They cross-questioned her with respect to the logical consequence and grammatical construction of the words which burst from her in an almost frenzied condition. But she declared to Kingston from the beginning, and repeatedly affirmed in other words, "I am as clear from the company of men as I am from you: I am the king's true wife."

On the 6th of May, Cranmer, who had been forbidden to approach the court, wrote a skilful and persuasive letter†, (if any skill could curb furious appetites—if any persuasion could allay raging passions,) imploring the king's mercy towards her, "his life so late and sole delight." On the same day is dated that no less touching than beautiful letter to the king, which, seemingly with reason, has been ascribed to the pen of Anne Boleyn herself.‡ It is not wonderful that the excitement of such a moment, if it left her calmness enough to write, should raise her language to an energy unknown to her other writings. If this explanation from lord Herbert should be deemed inadequately to account for the singular exactness and elegance of the composition, why may

* Report of Mrs. Cosyns, in Kingston's first letter to Cromwell.

† "Scirent si ignoseere manes."

‡ In the Appendix is subjoined a trace of part of this celebrated composition, as it is now to be seen in the British Museum, with marks of partial destruction by the fire of 1731. It will be seen to be a copy by the affecting words written on it:—"*From the Lady in the Tower.*" The handwriting is believed to be about the latter part of Henry's reign. This date of a copy carries the original to the time. That lord Herbert modernised the orthography, which somewhat varies the colour of the whole diction, is also true of his edition of Kingston's letters, which may be compared with the originals. It now is, and appears to have always been, kept with Kingston's correspondence, the authenticity of which no man can pretend to doubt. Kingston himself tells us, that she said to him, "I shall desire you to hear a letter from me to Mr. Secretary;" which letter agrees in time with the one now in question.

we not suppose, consistently with its substantial authenticity, that a compassionate confessor, or one lingering friend, may have secretly lent his hand to refine and elevate the diction? Sir Thomas Wyatt, one of the fathers of English poetry (to take an instance), could not have forgotten that his heart had once been touched by her youthful loveliness; and if he had been moved by a generous remembrance of affection to lend his help "at her utmost need," he would assuredly not have disturbed any of the inimitable strokes of nature which she could scarcely avoid, but which it is unlikely that he, with all his genius, could have invented.

In a day or two after, she was carried to Greenwich to be examined before the privy council, where all the artifices of veteran pettifogging were exhibited by the hoary counsellors in the examination of this young woman of twenty-seven, whose ears were wont to be soothed by the softest sounds of admiration and tenderness. Norfolk interrupted her defence with a sort of contemptuous disgust,—*muttering tut, tut, tut!* She complained, on her return to the Tower, to the lieutenant and to her more merciless attendants,—"I have been cruelly handled by the council."

On the 10th of May, an indictment for high treason* was found by the grand jury of Westminster against the lady Anne, queen of England; Henry Norris, groom of the stole; sir Francis Weston and William Brereton, gentlemen of the privy chamber; and Mark Smeaton, a performer on musical instruments, and a person "of low degree," promoted to be a groom of the chamber for his skill in the fine art which he professed. It

* Two legal explanations of this proceeding have been attempted. The first is founded on the statute of treasons, 25 Ed. 3., which made it high treason to "*violate*" the queen; a word which had been understood as applicable to any illicit connection with her. As accessory to the treason of her paramours, she became, by operation of law, a principal in the crime. The other represents the indictment as under the late statute, which made it treason "to slander the succession of her issue" by the profession of love to others, with which she was charged. It is hard to say which of these constructions was the most forced and fantastic. But it seems evident, from the use of the word "violavit" in the indictment, that the prosecutors, in spite of the common meaning of this word, which implies force, chose to rely on the statute of Edward III.

charges the queen with having, by all sorts of bribes, gifts, caresses, and impure blandishments, which are described with unblushing coarseness in the barbarous Latinity of the indictment, allured these members of the royal household into a course of criminal connection with her, which had been carried on for three years. It included also George Boleyn viscount Rochford, the brother of Anne, as enticed by the same lures and snares with the rest of the accused, so as to have become the accomplice of his sister, by sharing her treachery and infidelity to the king. It is hard to believe that Anne could have dared to lead a life so unnaturally dissolute, without such vices being more early and very generally known in a watchful and adverse court. It is still more improbable that she should in every instance be the seducer; and that in all cases (as it is alleged in the indictment) the enticement should systematically occur on one day, while the offence should be completed several days after. Norris, Weston, Brereton, and Smeaton were tried before a commission of oyer and terminer at Westminster, on the 12th of May, two days after the bill against them was found. They all, except Smeaton, firmly denied their guilt to the last moment. On Smeaton's confession it must be observed that we know not how it was obtained, how far it extended, or what were the conditions of it; that his humble condition might render it more easy to subdue his spirit; and that his ignorance would naturally lead him to interpret every word which denoted the faintest shade of favour to himself in a stronger sense than those would do who better understood the cajoling language of courts.

That statesmen eager to accomplish the purpose of their master, in examinations shrouded from every impartial eye, should have religiously abstained from explicit or implied promises and threats, is at least a very improbable hypothesis. It is easy to excite hopes of mercy, though all intention or authority to do so be expressly disclaimed. In this case we know that the usual artifice of saying or hinting to each prisoner that

his fellows had confessed, was amply practised. Indeed, the terrors of the confessional might have accounted for groundless admissions of guilt from men more enlightened, or more liable to be degraded by falsehood, than Smeaton. The confessor, seated in a place where he could neither be heard nor seen by men, might overawe his penitent into a belief that an acknowledgment of the justice of legal and royal acts was the only amends which could be made for the offence charged, or for the other misdeeds of the party. The exercise of this invisible and inscrutable power can never be safely committed to human frailty. The sincerity and probity of a confessor might be no security in such a case as hers. The majority of these English priests, who believed every story circulated against Anne — who firmly credited the pending accusation — who regarded with horror the usurper of the excellent Catherine's throne, the adulterous seductress of king and people from the church, and thereby from salvation, — might have been the most exemplary men of the ecclesiastical body; but they were also the most credulous and partial in whatever regarded her, and the most prone to magnify the merits of confession, without strictly defining its boundaries, in a case where they believed that every confession was short of the whole truth.

On the 12th of May, the four commoners were condemned to die.* Their sentence was carried into effect amidst the plaints of the bystanders. Sir Francis Weston was a youth whose birth, beauty, and graceful skill in every manly exercise, excited such general pity, as to embolden his mother and his wife to throw themselves at the feet of Henry, and to tempt him by a ransom of a hundred thousand crowns. Pride, or revenge, or mere hardheartedness, prevailed over the bribe.

* The description of a trial by jury (as it is called) by "the council of twelve," which has been preserved in the French narrative of the anonymous contemporary, though unlike modern trials in substance, resembles them in form with a curious minuteness. Hist. de Anne Boleyn, 192. 195.

On the 15th of May, queen Anne and her brother Rochford were tried, in a temporary hall erected for that purpose within the Tower, before the duke of Norfolk, created lord high steward for the occasion, assisted by twenty-six "lords triers," who in some degree performed the functions of jurors in this tribunal, formerly often used during the vacation or interruption of parliament. The reason assigned for the choice of the Tower was kindness to the feeling and dignity of the royal culprit, which disposed the king to spare her a public trial for such disgusting offences. "But," says an ancient writer, "it could not be to conceal the heinousness of the accusation, though that might be the pretence; for that was published in parliament a few weeks after."* "The proceeding," says he, "was enclosed in strong walls." At all events, the place of trial, even if chosen for state or delicacy, concealed from the public eye whatever might be wanting in justice.

Rochford was first brought to trial, seemingly apart from his unhappy sister. "There was brought against him, as a witness, his wicked wife, accuser of her own husband to the seeking of his blood."† His defence was at that time celebrated for force and effect. "Not even More, so rich in learning and eloquence, defended himself better against his enemies.‡ His triers are said 'to have been at first divided.'"§ After his trial, Anne Boleyn was required by a gentleman usher to come to the bar, where she appeared immediately without an adviser, and attended only by the ignorant and treacherous women of her household. "It was every where muttered abroad, that the queen in her defence had cleared

* Wyatt, in Singer. Second edition of Cavendish's Life of Wolsey, p. 444. Lond. 1827.

† Wyatt, 446. This detestable woman, whose name never should be forgotten, was Jane Parker, the daughter of Henry lord Parker and Mounteagle. Dugdale, ii. 207.

‡ Histoire de Anne Boleyn, 198.

"Non pas Morus même, qui d'eloquenee
Et de sçavoir avoit tant d'affluence,
Ne repondait mieux à tous ses adversaires."

§ "Trouvez se sont d'opinion diverse," p. 199.

herself in a most noble speech." * All writers who lived near the time confirm this account of her defence. "For the evidence," says Wyatt, "as I never could hear of any, small I believe it was. The accusers must have doubted whether their proofs would prove their reproofs, when they durst not bring them to the proof of the light in an open place." The description of this scene by the narrative versifier bears marks of accurate intelligence and minute observation. "The queen," says he, "defended her honour calmly against the imputation of unutterable turpitudes. She proved that she was conscious of a righteous cause, more by a serene countenance than by the power of language. She spoke little; but no man who looked on her could see any symptoms of criminality. She listened with an unchanged face to the sentence of death passed upon her by her uncle. When he had closed, clasping her hands, and turning up her eyes towards heaven, she uttered a short prayer: —'Oh Father of mankind! the way, the life, and the truth, thou knowest whether I have deserved this death.' Then turning round to the judges (among whom it was some satisfaction to incline to the belief that her father did not sit), she said to them, —'I will not call your sentence unjust, nor imagine my reasons can prevail against your convictions: I will rather believe that you have some good reason for what you have done; but I hope it is different from those which you alleged in giving judgment, for I am clear from all the offences which you then laid to my charge. I have been ever faithful to the king, though I do not say that I have not been wanting in due humility to him, and have allowed my fancy to nurse some foolish jealousy of him. Other misdeeds against him I have never committed.'" In the mean time the four commoners were executed. Norris, Weston, and Brereton persisted in the denial of the charge: Smeaton, who owned his own guilt, and declared that of

* Wyatt, in Singer's Cavendish, 448. "She made such wise and discreet answers, that she seemed fully to clear herself."—*Holinsh.* iii. 796.

the rest, was the last executed; so that he may have harboured hopes of life till it was too late.*

From the apprehension of Anne, to her cruel examination at Greenwich, her existence was a moral torture. Every wild and rambling word uttered in that agony, every answer extracted from her by an insidious or threatening inquisition, every misremembrance into which hurry or faintness plunged her, were registered minutely; and in the depositions of her treacherous attendants became sufficient evidence. She fell from laughter to weeping, from hysterical convulsions to a trembling delirium. At every stage she was equally watched and harassed by these wicked women; and her distempered language rose up in unrighteous judgment against her. After her day of suffering at Greenwich she betrayed no more morbid weakness. She contemplated death firmly, and seems to have felt that her only remaining objects were the propriety and dignity of her own conduct. Conscience, even when the exercise of her power is painful, engrosses the whole soul, and lifts it above the fear of bodily harm. She from that moment regarded death with calmness; and in the end looked forward to it as to the means of relief.

One other trial awaited her, of which the particulars are very little known to us. In a letter of the earl of Northumberland, dated on the 12th of May, that nobleman states that he had disclaimed upon oath the precontract with queen Anne, which had once more been imputed to him.

On the morning of the 17th of May, about thirty-six hours after sentence of death was pronounced on her, and about or after the time when her brother was suffering his punishment, she was brought to Lambeth, where she was to go through the forms of trial once more, in order that Cranmer (who must then have been either

* If we suppose any rules of law to have been observed on this occasion, it is a suspicious circumstance that Smeaton, who might otherwise have been confronted with the queen, was disabled from being examined as a witness by condemnation for high treason before her trial; which might easily have been avoided by a delay for three days.

the most unhappy or the most abject of men) might act the mockery of pronouncing the nullity of her marriage with the king. He pronounced it never to have been good, "but utterly void, in consequence of certain just and lawful impediments, unknown at the time of her pretended marriage, but confessed by the said lady Anne before the most reverend father in God sitting judicially."* No authentic record is known to exist of the particulars of this seemingly wanton disturbance of her almost dying moments. It is singular, but it forms an additional presumption against the prosecutors, that even the general nature of the alleged "impediment" is not hinted in the statute. No supposition is so probable as that it was the pre-contract with Northumberland, which it might be pretended was recently "known" by new evidence.† The motive for this suit was perhaps a desire of the king to place both his daughters at his mercy, on the same level of illegitimacy; and the fears of his ministers, solicitous to involve the primate in their own criminality, and to cover by various forms of law ‡ what never could have any semblance of justice. On the 18th of May we find an order issued for the expulsion of strangers from the Tower; a minute fact, but characteristic of tyranny, which dreads pity as a natural enemy.

* 28 Hen. 8. c. 7. This statute, which passed within a month of Anne's death, recites her attainder for treason, but separately from the ecclesiastical sentence of nullity.

† An acute writer has supposed that the unnamed impediment on which the sentence of nullity rested was the cohabitation of Henry with Mary Boleyn, which created a canonical impediment to his marriage with Anne; taken away, indeed, by the dispensation of Clement VII., but revived in England by the rejection of the papal authority. This, however, is no more than a bare supposition, and not quite so much to those who do not hold Sanders, or even Pole, Anne's mortal enemies, to be conclusive witnesses against her. If there had been such a commerce, the statute and the sentence must have stated, as their main ground, a notorious falsehood; for the commerce, if at all, must have been before the act of settlement. Add to this, that Anne is declared, in both the sentence and the statute, to have *confessed* the impediment, which she could not have done if the nullity had depended on the supposed intercourse of Henry with Mary Boleyn.

‡ It seems to be doubtful whether these proceedings for treason were not, after Cranmer's sentence of nullity, illegal. It is, at least, questionable whether, as soon as Anne's marriage was decreed to be *null*, the attainder was not necessarily overthrown; since no union but that of legal matrimony could transmute her infidelity into treason.

In spite of this exclusion of those who might commiserate the fate of the victim, the reports of the lieutenant to his master Cromwell throw some light on the last morning of her life. When he came to her, after repeating her solemn protestations of innocence, she said to him,—" 'Mr. Kingston, I hear that I am not to die before noon, and I am very sorry for it, for I thought to be dead and past my pain.' I told her it should be no pain. She answered,—'I heard say, that the executioner of Calais, who was brought over, is more expert than any in England: that is very good, I have a little neck,' putting her hand about it, and laughing heartily."* A transient and playful recurrence to the delicacy of her form, which places in a stronger light the blackness of the man who had often caressed that delicate form, and now commanded that it should be mangled. "I have seen men," says Kingston, "and also women, executed, and they have been in great sorrowing. This lady has much joy and pleasure in death." Is there any example in history of so much satisfaction, and so much calmness, in any dying person who is ascertained to be guilty of acts owned by him to be great offences, and perseveringly denied by him to be perpetrated by himself?

When she was brought to the scaffold, which was erected within the Tower, she saw herself surrounded by those who, a month before, would have trembled at her frown. The dukes of Suffolk and Richmond, the chancellor Audley, and secretary Cromwell, together with the mayor and aldermen of London, constituted her auditory. On the scaffold she uttered a few words: "Good Christian people, I am come hither to die according to law; by the law I am judged to die, and therefore I will speak nothing against it. I am come hither to accuse no man, nor to speak any thing of that whereof I am accused. I pray God save the king, and send him long to reign over you; for a gentler† or more merciful prince was there never. To me he was ever a good, gentle, and sovereign lord. If any person

* Ellis, ii. 64—67. † Perhaps in the sense of *nobler*.

will meddle with my cause, I require them to judge the best: thus I take my leave of the world and of you, and I heartily desire you all to pray for me." Even the hardhearted courtiers who surrounded her could not affect displeasure at this guarded language, probably suggested by Cranmer in the sad interview of the preceding day: for it is the phraseology of a canonist, and betrays the wariness of a timorous man who clings to some petty hope in the worst event, and on this occasion accounted it an advantage that Anne should not provoke Henry against their child; and at the same time that she should not be importuned to make a confession of guilt. She seemed to be the only person present who had a perfectly composed mind. All the bystanders not corrupted by the court melted into tears, being recovered, like the rest of the public, from their original prejudice against her.* She removed the hat and collar, which might hinder the speedy action of the sword; and, humbly kneeling, she repeated several times before the blow,— "Christ, I pray thee, receive my spirit!"

Those of her female attendants who were faithful, though fainting and drowned in tears, would not trust the remains of their beautiful and beloved mistress to the executioner and his brutal assistants. They washed away the blood which now made her face ghastly and her fair form an object of horror. "They wandered," says the metrical narrator, who describes this scene as if he had been an eye-witness, "like sheep without a shepherd." Her body was thrown into a box, and interred without ceremony in the chapel of the tower.

In surveying this case, it may be concluded that her departure from honour, even on the eve of marriage, is not proved; and that the general profligacy of her youth is the mere assertion of her enemies, inconsistent with probability and unsupported by proof. Whether in her last year she touched, or she overpassed, the boundaries which separate female honour from the delicacy and decorum which are its bulwarks, is a question which,

* Hist. de Anne Boleyn, 211.

though it gives rise to more doubtful enquiries, can never be considered as answered in the affirmative by the frantic language uttered in the agony of her mind and body during the first eight days' imprisonment; nor by the testimony of Smeaton, contradicted by all whom he called his accomplices; still less by the brief statements of such originally inadequate evidence in historians unacquainted with legal proceedings; and least of all by the verdicts and judgments of such a reign as that of Henry VIII., in which, though guilt afforded no security, virtue was the surest path to destruction.

The infliction of death upon a wife for infidelity might be a consistent part of the criminal code of Judea, which permitted polygamy on account of the barbarous manners of the Jewish people, and, by consequence, allowed all females to remain in a state of slavery and perpetual imprisonment. Even then the man would not be accounted good who should avail himself of such a permission, so far as to put a woman to death, unless, perhaps, as a palliation of an act done in the first transports of jealous rage.

Henry alone, it may be hoped, was capable of commanding his slaves to murder, on the scaffold, her whom he had lately cherished and adored, for whom he had braved the opinion of Europe, and in maintenance of whose honour he had spilt the purest blood of England, after she had produced one child who could lisp his name with tenderness, and when she was recovering from the languor and paleness of the unrequited pangs of a more sorrowful and fruitless childbirth. The last circumstance, which would have melted most beings in human form, is said to have peculiarly heightened his aversion. Such a deed is hardly capable of being aggravated by the considerations that, if she was seduced before marriage, he had corrupted her; and if she was unfaithful at last, the edge of the sword that smote her was sharpened by his impatience to make her bed empty for another woman. In a word, it may be truly said that Henry, as if he had intended

to levy war against every various sort of natural virtue, proclaimed, by the executions of More and of Anne, that he henceforward bade defiance to compassion, affection, and veneration. A man without a good quality would perhaps be in the condition of a monster in the physical world, where distortion and deformity in every organ seem to be incompatible with life. But, in these two direful deeds, Henry perhaps approached as nearly to the ideal standard of perfect wickedness as the infirmities of human nature will allow.

CHAP. VIII.

HENRY VIII. — CONTINUED.

TO THE DEATH OF HENRY.

1536—1547.

WHILE Henry was thus spreading horror around him, which, as we are told by Erasmus, rendered the most intimate friends fearful of corresponding with each other, his difference with Rome had not yet extended to doctrine, but was confined to the rejection of the papal jurisdiction, and to a consequent separation from the churches which maintained their allegiance to the holy see. He was a schismatic or separatist, inasmuch as he had thrown off the ancient jurisdiction of the Roman patriarch over the church of England. He was not a heretic, inasmuch as he had affirmed no proposition contradictory to the doctrines of the catholic church.

On the other hand, the title of supreme head of the church of England was assumed by Henry with considerable wariness, in language which might be addressed to subjects in one sense, and defended against antagonists in another; which was capable of a larger meaning in prosperity, or of being contracted in a season of adverse

fortune; and which was remarkable for the gross but common fallacy, of giving a false appearance of consistency to jarring reasons, by the use of the same words in different acceptations. These arts or artifices of policy, which discovered the extent and importance of the revolution only by slow degrees to the people, are observable in the statutes of the 25th and 26th of Henry VIII.

The preamble to these statutes recites, "that the crown of England is independent, and that all classes of men, whether of the spiritualty or of the temporalty, owe obedience to it*; that the church of England has been accustomed to exercise jurisdictions in courts spiritual; and that the encroachments of the bishop of Rome from ancient times had been checked by the king's renowned progenitors." It is evident that the doctrine concerning the king's supremacy might well be reconciled with the papal authority, if the latter were confined to a strictly spiritual jurisdiction on the part of the pope, and if the former were limited to civil and coercive powers on that of the king. But though the most learned Romanists have generally agreed that the coercive powers of the ecclesiastical courts arose from grants of certain portions of civil jurisdiction made by the state to the clergy†, yet the court of Rome has never been willing to limit itself by any formal act to this narrow and dependent jurisdiction. On the other hand, however the words of this statute might be otherwise construed, it was intended by such swelling novelties of expression to inure the minds of the people to unwonted modes of thinking on the relation between the papal jurisdiction and the regal power.

Willing, however, to maintain the equipoise between ecclesiastical factions, he passed, in the year following, a statute for the punishment of heresy, in which he inscribed his adherence to orthodox doctrines in characters of blood, directing that "all persons convicted

* 24 Hen. 8. c. 12. Stat. of the Realm.
† For example, in testamentary and matrimonial causes.

of heresy before the ordinary of the diocese, and refusing to abjure, or relapsing after abjuration, shall be committed to the lay power, to be burned in open places for the example of others:" at the same time providing, "that no speaking against the bishop of Rome's authority made and given by human law and not by holy Scripture, or against such authority, where it is repugnant to the laws of this realm, shall be deemed to be heresy."* The series of statutes on this head is closed by a short but comprehensive act of the parliament which met in November, 1534, wherein it is enacted, that "the king of this realm shall be reputed to be the only supreme head of the church of England; that as such he shall enjoy all titles, jurisdiction, and honours to the said dignity appertaining; and that he shall have full authority to correct all errors and abuses which might lawfully be corrected by any spiritual jurisdiction; any usage, prescription, foreign laws, or foreign authority to the contrary notwithstanding." †

It is obvious that the first provision, as it does not define the office enacted to be vested in the king, would of itself confer nothing but a title; that the second provision contains a falsehood, as far as it intimates the previous existence of this office, or any knowledge of its rights; while, on the other side, it leaves without elucidation, whether it was intended to assert only, like the former acts, the identical proposition that the king is the sovereign of all classes of his subjects. It passes over the essential distinction between what the king may do out of parliament by his royal prerogative, and what he can do only in parliament by the consent of the estates of the people of the realm. It may mean that the king and parliament are dependent in no respect on foreign power, and that the legislature may change by new laws the arrangements of any institution, however respectable, which can owe its being and establishment only to law. It is under the cover of all this vague and loose language, which treats the headship of the church

* 25 Hen. 8. c. 14. † 26 Hen. 8. c. 1.

as if it were an ancient and well known magistracy, that the unwary reader is betrayed into a notion (in which he could not otherwise have acquiesced) that this statute is declaratory, and that the power of jurisdiction and amendment in all cases where ecclesiastical superiors formerly exercised such powers, in spite of any usage, prescription, foreign law, or foreign custom to the contrary, was here not so much granted to the crown as acknowledged to be a portion of the ancient prerogative. The jurisdiction of the pope seemed thus to be totally superseded by the powers vested in the crown. But it was not till the parliament of 1536, that it was universally disavowed, insomuch that the disclaimer of it upon oath was required from the most considerable part of his majesty's subjects. By the "act to extinguish the authority of the bishop of Rome," the maintenance of that authority was subjected to the formidable penalties of *premunire;* and every public officer, whether ecclesiastical or civil, every person holding place or fee from the crown, or retained in the king's service, or who sue out livery of land * from him, or do fealty to him as their superior, all religious profest, all persons taking holy orders, and all who take a degree in an university, before the exercise of their office must make oath that they utterly renounce the bishop of Rome and his power, and instead of consenting to the exercise of papal authority in this realm, will resist it to the utmost; that he will take the king to be the only head of the church of England, and will defend all statutes made or to be made in extirpation of the bishop of Rome and of his authority, under the pains of high treason, to be inflicted on all such of the above persons who, being duly required, refuse to make such oath.

This memorable statute was the first which introduced into civil legislation the union of a promise of submission with a declaration of assent to opinions; which had been long known among ecclesiastics in the cases of submission to superiors, and of subscription to

* 28 Hen. 8. c. 10.

creeds. It treats the refusal to take the prescribed oath as a species of political heresy, the real existence of which is sufficiently proved by the refusal to swear. In the confusion of its savage haste, it punishes the refusal to abjure the pope as a higher offence than acts in maintenance of his authority.

By these statutes, together with others prohibiting official intercourse with Rome, the revolution in church government contemplated by Henry VIII. was consummated in England, which was placed in a situation unlike that of any other state in Christendom, acknowledging the ancient doctrine of the Roman catholic church, but placing the king as a sort of lay patriarch at the head of the ecclesiastical establishment.

Thomas Cromwell, who had become Henry's chief minister, was at this critical juncture raised to the new office of the king's vicegerent, "for good and true ministration of justice in all causes and cases touching the ecclesiastical jurisdiction, and for the godly reformation and redress of all errors, heresies, and abuses in the church."* This royal appointment, which had been made in the interval between the parliament of 1536 and that of 1539, the latter of these assemblies seized the earliest moment of confirming by their recognition; avoiding, however, the appearance of the necessity of their sanction, by introducing the fact of appointment and the description of the office into the preamble of a statute for regulating precedence in parliament†, where a matter so weighty otherwise appears to be exceedingly misplaced. It was enacted that the vicegerent should take his seat in the house of peers before the archbishop of Canterbury, and consequently be ranked above all temporal lords, except those princes of the royal family on whom the dignity of the peerage had been conferred‡, or had descended. The objects of Cromwell's office were so

* 31 Hen. 8. c. 10. † Ibid.

‡ Perhaps the letter of the statutes excepts only princes who have been made dukes. As I do not know any example of a prince sitting by an inferior title, this matter, which can affect only precedence, seems to be unsettled.

various that it would have been difficult to define his powers by law, and being wholly new they could not be circumscribed by usage. They were, therefore, really unbounded. The first experiment on this immense force was made by the progressive suppression of various classes of religious houses, and the seizure of their estates, at that time amounting to a large share of the landed property of the kingdom. We have already seen that the utmost jealousy and animosity had prevailed between the secular and regular clergy from the establishment of the latter class, who had for ages been regarded as constituting the peculiar force of the Roman see. The indolence, the ignorance, the indulgence of malignant as well as of gross passions, which are apt to follow the fugitives from the common vices of life into their retreat, and to grow up with more noisome rankness in the dark recesses where they have hidden themselves from the wholesome control, as much as from the baleful example of their fellows, are all such palpable consequences of specious and well meant institutions, that their existence requires little positive testimony, and that they are rather to be calmly examined as results of the general nature of man, than looked at with disgust as the inherent malady of those who only breathe a mephitic atmosphere.

The Franciscan and Dominican orders, who had revived the religious spirit in the thirteenth century, when the zeal of the more ancient fraternities was buried under their vast possessions, were preserved from utter languor by the absolute poverty which was the basis of their institution. Though they had long ceased to be actuated by the fervid activity of their youth, and though the revivers of ancient literature began to share the conduct of education, which the friars had long monopolised, they continued to predominate in all the universities, to occupy exclusively the schools of theology, the master science, and to exhibit occasionally some models of that austere life which first gave them general popularity. They were still the most eloquent and ad-

mired preachers of their age.* The subordination of all monasteries to the provincials, the regularity of the obedience of these last to the general, and the constant residence of the generals at the court of Rome, formed an uninterrupted chain of communication, by means of which the commands of the supreme pontiff were conveyed to the humblest friar, with all the secrecy, speed, and order of military discipline. It will not, therefore, excite wonder that of all the Roman catholic clergy, of whom the far greater part were not the less dissatisfied with Henry's innovations, because they were compelled to show subserviency to them in the conspicuous stations where resistance was dangerous, the monastic orders should be the most bitter and irreconcilable enemies of a church with a lay head, and an establishment calling itself Catholic without a pope. They were also his most formidable opponents; for they preached to the lowest classes of the people, while their general sat on the steps of the papal throne. The advances towards the destruction of such a body were conducted with the caution required in the execution of measures deemed indeed to be necessary, but acknowledged to be beset with perils. The first attack was made by the parliament of 1536, already so memorable for the blows which they had struck at the church, and the steps which they had made towards an ecclesiastical revolution. They now passed an act to dissolve and grant to the king all religious houses of all orders and of both sexes, who could not spend 200*l.* yearly.† Some appearances were kept up with respect to what in point of justice was the most important part of the case—the provision for the superiors and members of these communities during their lives. "His majesty," says the statute, "was pleased and contented, of his most excellent charity, to provide for the

* Savonarola joined to both these characters that of a friend of liberty. When called to the death-bed of Lorenzo de Medici, he had the courage, before absolution, to require Lorenzo's renunciation of usurped power and the restoration of liberty. He perished in the flames on account of some miraculous pretensions which he seems to have been almost forced into making, in consequence of his just invectives against the policy and manners of Alexander VI.

† 27 Hen. 8. c. 28. Stats. of the Realm, iii. 576.

heads such pensions as shall be reasonable." But, vague and utterly unsatisfactory as it was, no such promise was vouchsafed to the humble dwellers of the suppressed houses, who, it seems, were deemed beneath any assurances "of the king's excellent charity." It was only promised that they were either to be supported in some new charitable foundation, or committed for their lives to such of the great monasteries as the king should appoint. The great monasteries then spared were alleged, in the preamble of the act, to be regular, devout, and exemplary. It is probable enough that discipline was more easily maintained in great establishments, where the means of severe punishment were abundant, and the eyes of a numerous community were fixed on the actions of each member. But though the assertion of this had been universally true, yet the allegation of it in the statute would have been in substance and effect a falsehood, inasmuch as it was not the true motive of the suppression.

Stokesley, bishop of London, in a debate on this bill, remarked, "that these lesser houses were as thorns, soon plucked up; but the great abbots were like putrified old oaks; yet they must needs follow, and so would others do in Christendom."* This prelate deserves to be mentioned for having had the sense to foresee, and the courage to foretell, the events which were immediately following, and their connection with a general revolution throughout Europe. The number of monasteries which either had been dissolved, or had surrendered, or ransomed themselves by payments of large sums to the king, amounted to three hundred and seventy-six.† They were the legal owners of a large part of the landed property of the kingdom. The numbers of the religious were probably about six or seven thousand: that of their servants, dependents, and retainers, may be estimated, moderately, at an equal number. One hundred thousand pounds (probably a million and a half of the present value) came immediately into the exchequer: thirty

* Burnet. Reform. book iii. † Ibid.

thousand pounds (probably half a million according to our wages and prices) were added to the annual revenue of the crown.* At the moment, however, the confiscation was so unpopular as to occasion revolts in those counties where the ancient religion most retained its ascendant. The people lamented the loss of the perhaps pernicious alms distributed by the monks. Great lords might live at a distance. Small proprietors, who might, in some respects, have replaced the monks, were then thinly scattered. The ruins of magnificent edifices, the spoliation of their richest decorations, hitherto regarded by the people as the ornaments of their little neighbourhood, and the boast of village pride, must have been keenly regretted, in proportion to the rudeness of their private accommodations, and to the meanness of their domestic architecture. They were robbed of their ancient and their only ornaments. Every church contained relics, for which a very mitigated reverence might have been excused, and an undue veneration was actually entertained. Many small chapels were visited by pilgrims from distant lands. Every parish had miraculous legends, to be deplored, doubtless, as the offspring of credulity, and still more as occasionally the means of fraud; but endearing to the peasants the parochial church, the adjacent convent, and every point of a neighbourhood over which tradition had strewed her tales of prodigy. The people were most affected by the sight of the friars themselves, expelled from their home and their land, often at an advanced age, and generally after they had been unfitted for bodily toil; all of whom bore outward marks of goodness, and many of whom were doubtless known to the labourers and farmers of the vicinage only by their prayers and their alms. The vices of some, the uselessness of most, were forgotten in the calamity of all, and in the merits of a few. The proscribed religious inflamed all these feelings by popular harangues.

The immediate occasion of revolt was supplied by the injunction of the vicegerent to the clergy, in au-

* Herbert. Burnet.

tumn 1536, which directed them "to proclaim, for a time, on every Sunday, and afterwards twice in each quarter, that the bishop of Rome's usurped power had no foundation in the law of God; to abstain from extolling images, relics, or pilgrimages, and to exhort the people to teach their children the Lord's Prayer, the Creed, and the Ten Commandments in English.* These injunctions seemed to be inoffensive and almost inefficacious; but some risk must be incurred by attempts to introduce innovations, however small, into the public worship of a people—the most frequently recurring of all collective acts, and the only solemnity in which all take an active and equal part. It was easy for the clergy to represent the measures of government as only experiments on the patience and simplicity of the people, preparatory to that daring plan of revolution in doctrine and worship which was meditated by the king's heretical advisers.

An insurrection first broke out in Lincolnshire, the county where the first visitation of religious houses had taken place. Twenty thousand men appeared in open revolt, headed or incited by Mackrel, who assumed the name of captain Cobler. Their proposals were extremely moderate, chiefly directed, indeed, against the upstarts preferred in church and state. In the month of October, 1536, this body of insurgents melted away without a struggle. The king, alarmed by more serious risings, granted a pardon to them, and the more stubborn and needy of them fled to their insurgent brethren in the north. There, the whole people between the Humber and the Tweed, together with those of Cumberland, of Westmoreland, and of the northern portion of Lancashire, had during the commotions in Lincolnshire taken up arms. They were led into the field by Robert Ask, a man of Yorkshire, whose station entitled him to be called "a gentleman." They assumed the title of a "Pilgrimage of Grace," proceeding in this array to implore with joint prayers "the grace or favour

* Burnet. Reform. book iii. Holinshed. Herbert.

of God." The priests marched before them bearing crucifixes and banners, on which the sufferings of Christ were painted. They obliged all their prisoners to swear "that they should enter into this Pilgrimage of Grace for the love of God, the preservation of the king's person, the purifying of the nobility, and expelling all villain blood and evil counsellors; taking before them the cross of Christ, his faith, and the restitution of the church; the suppression of heretics and their opinions." The garrison of Scarborough were faithful. Clifford, earl of Cumberland, held out in his castle of Skipton. The other strong holds of the north, such as York and Hull, fell into the hands of the insurgents. At Pomfret castle, Ask persuaded or compelled the archbishop of York, and the lord Darcy, to take the oath and join his army. Lord Dacre of Gilliesland bravely refused to make any concessions to those who were masters. In the course of negotiations which ensued, Ask, seated on a chair of state in the castle of Pomfret, having the archbishop of York on his right hand, and the lord Darcy on his left, received a herald from the earl of Shrewsbury the commander of the king's troops. Ask refused to allow the herald to read out the proclamation of which he was the bearer, but sent him back to lord Shrewsbury, with a safe conduct. On the 6th of December, 1536, after the king had arrived at Doncaster with a superior force, the lords Scroop, Latimer, Lumley, and Darcy, sir T. Piercy, Robert Ask, and about 300 others, on the part of the insurgents, met the duke of Norfolk and sir William Fitzwilliam, on behalf of the king, in order to consider terms of compromise. The revolters began by asking a hostage for the safety of Ask. Henry, who by long delay had got them into his snare, haughtily answered "that he knew no gentleman or other whom he esteemed so little as to put him in pledge for such a man." The demands of the commons, which included the restoration of the princess Mary to her legitimacy, of the pope to his wonted jurisdiction, and of the monks to their houses, were rejected with scorn,

and the insurgents were compelled to accept a full satisfaction and general pardon*, on condition that they should submit to Norfolk and Shrewsbury (the king's lieutenants), and that the northern commons should rebel no more.

Norfolk, who commanded against the revolters, was unwilling to obtain too complete a victory over catholic opponents; and he had secretly warned the king against the danger of strengthening the Lutheran party by the destruction of their most irreconcilable antagonists. But the embers of rebellion still glowed.

Various circumstances contributed to exasperate Henry against the catholic clergy, or afforded him plausible pretexts for the execution of those more extensive confiscations which he or Cromwell originally meditated. It is the nature of all severe policy, even if justified by necessity, to provoke new resistance, where it does not extinguish the spirit of disaffection. Rigour often revives rebellion, and rebellion calls out for redoubled rigour. There are critical moments in the history of most countries, when a government appears to be, as it were, doomed to move in this unhappy circle; which often doubles the righteous punishment of bad rulers, but sometimes also is a severe trial of those who desire to do well. Another insurrection in the north, though quickly subdued, was sufficient to show the fellow-feeling of the people with the clergy. A second general visitation of monasteries took place in 1537, and a board of commissioners was appointed for the superintendence of the revenue confiscated, under the title of "The Court of Augmentation of the King's Revenue." To prepare the way for these commissioners the richest shrines and the most revered relics were pillaged or destroyed (more especially those of St. Thomas at Canterbury†), on allegations, too often very true, that they were scenes of gross imposture, where pretended miracles had long undermined all reverence for religion. The aim of these

* 9th Dec. 1536. Herbert, 213.
† Burnet. Reform. book iii.

destroying measures was to disgrace and desecrate religious houses in the eyes of the people. Of all the evils of false religion, the worst, perhaps, is, that it engages a multitude of ecclesiastics in the performance of fraudulent mummeries, which must divest both of piety and sincerity a body who are chosen to teach virtue to their fellows. The objects of the visitors were so well known, that zealous witnesses against the devoted monasteries were no where wanting. In some cases great abuses were detected, and perhaps sufficiently proved. It must also be owned that some of the most disgusting and odious offences with which they were charged are not the most unlikely to creep into monastic retreats. But it never can be forgotten in such cases, that revenue not reformation, plunder not punishment, were the objects of which the visitors were in quest; so that proofs of innocence were altogether unavailing, and not even proofs of poverty could save the smallest houses from the paws of the inferior beasts of prey. Some, indeed, sought favour by a more promising road; by blackening themselves, their fellows, and their order, and thus helping to render destruction popular, by averring that "the pit of hell was ready to swallow them up for their ill life;" by professing "that they were now convinced of the wickedness of the manner and trade of living that they and others of their pretended religion followed." A hundred and fifty abbots and other superiors had surrendered their houses and lands to the crown before the year 1539. Very effectual examples deterred most ecclesiastics from walking in the footsteps of the refractory monks. The abbots of Reading, Glastonbury, and Colchester (three of the greatest), those of Whalley, Gerveaux, and Sawley, together with the priors of Woburn and Burlington, had been executed under colour of having aided the insurgents. Several suffered within sight of their monasteries. The nature of the proceedings may be estimated by the fact*, that it has been scarcely found possible to ascertain with due precision the parti-

* Burnet. Reform. book iii.

culars of the respective accusations. Those abbots, on the other hand, who had been most forward to betray the communities which they ruled, and the property which they held in trust, were rewarded by Henry with pensions proportioned to their dishonesty.* At length the system of confiscation was closed and sealed by a statute passed in 1539, which provided that "all monasteries or other religious houses dissolved, suppressed, surrendered, renounced, relinquished, forfeited, or by any means come to his highness, shall be vested in him, his heirs, and successors, for ever."†

Thus was completed the confiscation of a fifth or a fourth part of the landed property of England and Wales within the space of five years. It may be a fit moment therefore to pause here, in order calmly and shortly to review some of the weighty questions which were involved in this measure. There is no need of animadverting upon the means by which it was effected, though we must assent to the affirmation of a great man, "that an end which has no means but such as are bad, is a bad end." But the general question may be best considered, keeping out of view any of those attendant misdeeds which excite a very honest indignation, but which disturb the operation of the judgment. Property is legal possession. Whoever exercises a certain portion of power over any outward thing in a manner which, by the laws of the country, entitles him to an exclusive enjoyment of it, is deemed a proprietor. But property, which is generally deemed to be the incentive to industry, the guardian of order, the preserver of internal quiet, the channel of friendly intercourse between men and nations, and, in a higher point of view, as affording leisure for the pursuit of knowledge, means for the exercise of generosity, occasions for the returns of gratitude; as being one of the ties which join succeeding generations, strengthening

* The abbot of Thierney, the prior of Coventry, and the prior of Northampton, are named as deserters; and the warden of New College, Oxford, and the dean of York, labour under the like imputation, though of different classes. The income of the abbot of Glastonbury was rated at 3500*l.*, and that of the abbot of Reading at 2100*l.*

† 31 Hen. 8. c. 13.

domestic discipline, and keeping up the affections of kindred; above all, because it is the principle to which all men adapt their plans of life, and on the faith of whose permanency every human action is performed; is an institution of so high and transcendent a nature, that every government which does not protect it, nay, that does not rigorously punish its infraction, must be guilty of a violation of the first duties of just rulers. The common feelings of human nature have applied to it the epithets of sacred and inviolable. Property varies in the extent of the powers which it confers, according to the various laws of different states. Its duration, its descent, its acquisition, its alienation, depend solely upon these laws. But all laws consider what is held or transmitted agreeably to their rules as alike possessing the character of inviolable sacredness. There may be, and there is, property for a term of years, for life or for ever. It may be absolute as to the exercise of the proprietor's rights, or it may be conditional, or in other words, held only as long as certain conditions are performed. There are specimens of all these sorts of property in the codes of most civilised nations. But in all these cases the essence of property is preserved, which consists in such a share or kind of power as the laws confer. The advantages may be extremely unequal. The inviolable right must (by the force of the terms) continue perfectly equal.

The legal limits of the authority of the supreme legislature are not a reasonable object of enquiry nor indeed an intelligible form of expression. But to conclude that, because the law may, in some sense, be said to create property, the law is to be deemed on that account as entitled rightfully to take it away, is a proposition founded on a gross confusion of two very distinguishable conceptions. It uses the word property in the premises for a system of rules, and in the conclusion for a portion of external nature, of which the dominion is acquired by the observance of these rules. It is only in the first of these senses that property can

be truly called the creature of law. In the second sense it is acquired or transmitted not by law but by the acts of a man when the acts are conformable to legal rules. It is impossible within our present limits to canvass the small or apparent objections which may occur to this scheme of reasoning. It is sufficient, perhaps, here to remark, that these are the generally acknowledged principles, and that deviations from them in practice are no more than partial irregularities, to which the disturbing forces of passion and interest expose human society.

The clergy, though for brevity sometimes called a corporation, were rather an order in the state composed of many corporations. Their share of the national wealth was immense, consisting of land devised by pious men, and of a tenth part of the produce of the soil set apart by the customary law of Europe, for the support of the parochial clergy. Each clergyman had only in this case an estate for life, to which during its continuance the essential attribute of inviolable possession was as firmly annexed by law as if it had been perpetual. The corporate body was supposed to endure till it was abolished in some of the forms previously and specially provided for by law.

For one case, however, of considerable perplexity there was neither law nor precedent to light the way. Whenever the supreme power deemed itself bound to change the established church, or even materially to alter the distribution of its revenues, a question necessarily arose concerning the moral boundaries of legislative authority in such cases. It was not, indeed, about a legal boundary; for no specific limit can be assigned to its right of exacting obedience within the national territory. The question was, what governments could do morally and righteously,— what it is right for them to do, and what they would be enjoined to do by a just superior if such a personage could be found among their fellow-men? At first it may seem that the lands should be restored to the heirs of the original grantor. But no provision

for such a reversion was made in the grant. No expectation of its occurrence was entertained by their descendants. No habit or plan of life had been formed on the probability of it. The grantors or founders had left their property to certain bodies under the guardian power of the commonwealth, without the reserve of any remainder to those who, after the lapse of centuries, might prove themselves to be their representatives. It is a case not very dissimilar to that of an individual who died without discoverable heirs, and whose property for that reason falls to the state. It appeared, therefore, meet and righteous that in this new case, after the expiration of the estates for life, the property granted for a purpose no longer deemed good or the best, should be applied by the legislature to other purposes which they considered as better. But the sacredness of the life estates is an essential condition of the justice of such measures. No man thinks an annuity for life less inviolable during his life, than a portion of land granted to him and to his heirs for ever. That estate might, indeed, be forfeited by a misperformance of duty; but perfect good faith is in such a case more indispensable than in most others. Fraud can convey no title; false pretences justify no acts. There were gross abuses in the monasteries; but it was not for their offences that the monastic communities fell. The most commendable application of their revenues would have been to purposes as like those for which they were granted as the changes in religious opinion would allow. These were religious instruction and learned education. Some faint efforts were made to apply part to the foundation of new bishoprics; but this was only to cover the profusion with which the produce of rapine was lavished on courtiers and noblemen, to purchase their support of the confiscations, and to ensure their zeal and that of their descendants against the restoration of popery.

It is a melancholy truth, and may be considered by some as a considerable objection to the principles which have been thus shortly expounded, that if in "the

seizure of abbey lands" the life estates had been spared, the monks, who were the main stay of papal despotism, and the most deadly foes of all reform, would have had arms in their hands which might have rendered them irresistible. It must, perhaps, be acknowledged, that it was more necessary to the security of Henry's partial reformation to strip the monasteries at that moment, than to dissolve communities which a better regulation might in future reconcile to the new system.

We are assured by sir Thomas More, "that in all the time while he was conversant with the court, of all the nobility of this land he found no more than seven that thought it right or reasonable to take away their possessions from the clergy." So inconsiderable was the original number of those who, not many years after, accomplished an immense revolution in property.*

To which it must be answered, that the observance of justice is more necessary than security for any institution; that many regulations might have stood instead of one deed of rapine; that the milder expedients would have provoked fewer and more reconcilable enemies; that if, on the whole, they afford less security, the legislature were at least bound to try all means before they who were appointed to be the guardians of right set the example of so great a wrong. Rulers can never render so lasting a service to a people as by the example, in a time of danger, of justice to formidable enemies, and of mercy to obnoxious delinquents. These are glorious examples for which much is to be hazarded.

The next act of Henry, as head of the church, was to frame a creed guarded by sanguinary penalties for the species of neutral and intermediate religion which he had established. In 1536 the bishops were divided into two parties; of whom one, with Cranmer and Latimer at its head, inclined towards reformation, though professing to be of no denomination of protestants; another, led by Lee and Gardiner, who, without professing any communion with the pope, strongly leant to the pa-

* Apology of sir T. More, 1533.

pal system. The king attempted to settle all differences by a proclamation (issued after long debates in the convocation), which uses high language on the bodily presence of Christ in the Lord's Supper, but speaks in a more mitigated tone of images, saints, purgatory, and of rites and ceremonies; matters deemed by many more important than doctrines, inasmuch as they touched the ordinary and daily worship of the people.* Gardiner, bishop of Winchester, so conspicuous in after times for his activity in maintaining the papal power, now wrote against the primacy of St. Peter himself, in a book, to which Bonner, afterwards bishop of London, contributed a preface. The case of Lambert may be selected as a specimen of the numerous deaths inflicted on those who disbelieved more articles of the Roman catholic faith than the king. He is called by Cromwell "a sacramentary;" one who held the Lord's Supper to be only a pious rite appointed to commemorate the death of Christ. "The king's majesty," says Cromwell, "for the reverence of the holy sacrament, did sit and preside at the disputation process of the miserable heretic who was burned on the 20th November (1537). It was a wonder to see with how excellent majesty his highness executed the office of supreme head. How benignly he essayed to convert the miserable man: how strong his highness alleged against him."†

The creed was neither completed, nor sufficiently fenced round by terrible penalties, till an act was passed by the parliament which sat in April, 1539, entitled "An act for abolishing diversity of opinions."‡ By this act, whoever preaches against the natural body of Jesus Christ being present in the sacrament, or that there remaineth any substance of bread and wine in it, is declared and adjudged a heretic, and shall suffer the pains of death by burning. The fluctuating creed of Henry is extended by the second enactment of this clause, which includes, for the first time, the Lu-

* Collier, ii. 122, &c. † Nott's Surrey, ii. 328. ‡ 31 Hen. 8. c. 14.

theran doctrine of consubstantiation; thus marking the least deviation from the orthodox doctrine on this point as criminal in the highest degree.* All those who preach the necessity of the communion in both kinds to laymen, or for the marriage of priests, or against the observance of vows of chastity, or the propriety of private masses, or the fitness of auricular confession; all priests who shall marry after having advisedly made vows of chastity, shall suffer the pains of death as felons; and all those who maintain the same errors in any other manner may be imprisoned during the king's pleasure.

Cranmer was compelled by the terrors of this statute to send his wife secretly to Germany. The partisans of the old faith openly rejoiced at so decisive a pledge that the king would not wade more deeply into heresy. Latimer, bishop of Worcester, the most upright, sincere, and frank of men, braved the king's resentments by resigning his bishopric within a week after this sanguinary law was passed. His example was followed by Shaxton, bishop of Salisbury, one of the shining lights of "the new learning." But the old religion still retained so much power, or the late policy of the king was so odious to a large part of the people, that the persecuting law was popular, and contributed to efface the odium incurred by the spectacle of so many proprietors expelled from their homes as the suffering monks.

The variations of policy in this reign have generally some connection with revolutions in Henry's palace and in his bed. The fate of Anne Boleyn, who, if not attached to the protestant religion by her faith, was at least bound to the protestant party by her honour, was deeply deplored by Cranmer, by Melancthon, and by all the leaders of reformation at home and abroad. Jane Seymour became friendly to the protestants from circumstances, of which enough is not known of her pri-

* Cranmer and Latimer were then of the same opinion.

vate history to explain. She died in childbed of Edward VI. on the 13th of October, 1537.

The next choice made by or for Henry, who remained a widower for the period of more than two years, afforded an indication of the progress of men in general towards reformation. The princess Anne, sister of the duke of Cleves, a considerable prince on the Lower Rhine, who had lately established Lutheranism in his principality, was sought in marriage by the king of England. The pencil of Holbein was employed to paint this lady for the king, who, pleased by the execution, gave the flattering artist credit for a faithful likeness. He met her at Dover, and almost immediately betrayed his disappointment. Without descending into disgusting particulars, it is necessary to state, that though the marriage was solemnised, the king treated the princess of Cleves as a friend. He early declared that he had felt a repugnance to her from some personal peculiarities which are not alluring, and which he described in their full grossness. The king's indisposition to the princess of Cleves continued to increase during six months of cohabitation, though we are not told that it prompted him to actual discourtesy. The common pretext of pre-contract, in this case alleged to be with a prince of Lorrain, was at first suggested. It was at last resolved to accomplish the purpose by means still more undisguised. On the 6th of July, 1540, the king's ministers consulted the house of lords on his distress. These obsequious peers humbly addressed their master, to remind him of the calamities suffered by the nation from disputed successions, and entreated him to prevent their recurrence, by ordering enquiry to be made into the doubts respecting the validity of his marriage with the lady Anne of Cleves. The commons concurred with the lords, and the king granted their prayer, referring the consideration of the subject to the convocation.* The whole of this drama

* Lords' Journals, 153.

was arranged, and all the parts of it were cast, three days before, at the privy council, who communicated it to Clark bishop of Bath, minister at Cleves, in a despatch of the 3d of July. It is a lamentable fact that a man with so many good qualities as Cranmer should be a party to such a mockery. The whole convocation, however, vied in compliance with the parliament. They declared the marriage to be null, by the consent of the lady Anne, and after a full consideration of all the circumstances, none of which they deign to specify.* Her consent was insured by a liberal income of 3000*l.* a year, and she lived for sixteen years in England with the title of princess Anne of Cleves. The loyal nobles hastened to entertain a bill for the nullity. On the 13th of July it was read twice and passed. Two archbishops and eighteen bishops were present; of whom Bonner of London and Gardiner of Winchester were two.† This bill received the royal assent on the 24th of July, 1540, the day of the close of the session and of the dissolution of the parliament.

It is singular, though very characteristic of the reign, that this annulment once more displayed the triumph of an English lady over a foreign princess; and that the triumphant beauty should be the cousin-german of Anne Boleyn. This was lady Catherine Howard, niece to the duke of Norfolk, whom the king wedded on the 8th of August, 1540, about a fortnight after the parliament had enabled him to form another union. But before we proceed to relate the sequel of this fourth marriage, it is necessary to throw a glance backward on the fate of Cromwell, who was the author of the marriage with Anne.

Seldom has any statesman fallen from the summit of power and greatness more suddenly than Cromwell. A bill to attaint him of high treason was read a first time on the 17th of June, 1540; on which day he took his place as earl of Essex, and vicegerent of the

* 32 Hen. 8. c. 25. The act for dissolving the pretended marriage with the lady Anne recites this determination of the clergy.

† 1 Lords' Journals, 155.

king, in the royal character of supreme head of the church.* So far was the accused from being heard in his own defence, that in two days more, viz. on the 19th, the bill was read a second and third time, passed unanimously, and sent down to the house of commons. On the 29th of June it came back from the commons, and was once more passed by the lords without a dissentient voice.† He was charged by the bill of attainder with heresy and treason: the first, because he favoured heretical preachers, patronised their works, and discouraged informations against them: the second, because he had received bribes, released many prisoners confined for misprision of treason, and performed several acts of royal authority without warrant from the king; but more especially because he had declared, two years before, "that if the king would turn from the preachers of the new learning, yet he, Cromwell, would not; but would fight in the field in his own person, with his sword in his hand, to defend it against the king himself."‡ But the condemnation of a man unheard is a case in which the strongest presumptions against the prosecution are warranted. That he was zealous for further reformation is certain: that he may have used warm language to express his zeal; that he may have transgressed the bounds of official duty to favour the new opinion, are allegations in themselves not improbable: but as we do not know the witnesses who gave testimony; as we do not even know whether there were any examined; and, indeed, know nothing but that he was not heard in his own defence; it is perfectly evident that whether the words or deeds ascribed to Cromwell were really his or not, is a question, without any decision on which the judicial proceedings (if they deserve that name) may be pronounced to be altogether void of any shadow of justice. Cranmer, in a very earnest and

* 1 Lords' Journals, 145.

† "Communi omnium procerum tunc presentium consensu, nemine dissente."

‡ Burn. Hist. of Reform. book iii. A. D. 1540. The bill of attainder at length, in Burn. Rec. book iii. No. 16.

persuasive lettter, endeavoured to obtain from the king the preservation of Cromwell's life. The archbishop, like Atticus, never forsook his friends in their distress; but, like that famous Roman, he too often bent the knee to their oppressors.*

The execution of Cromwell, though an act of flagrant injustice, was for a time popular. The most active conductor of a wide system of confiscation must do much wrong, besides what is involved in the very nature of rapine. He must often cover his robberies by false accusations and unjust executions. He treats the complaints of the spoiled as crimes. He excites revolt, and is the author of that necessity which compels him to punish the revolters. He connives at the atrocities of his subalterns; for with what face can the leader of a gang reprove banditti for the injustice and cruelty which are the cement of their discipline and the wages of their obedience?

The Roman catholic party, incensed against Cromwell, neither unnaturally nor unjustly, had now resumed much of their ascendant. The act of the six articles was in the full vigour of its cruelty. In all the course of Henry's fluctuations between his schismatic establishment and his catholic doctrines, there probably was no period at which he was driven to a greater distance from protestants than during the six months of his apparent union with a princess of a Lutheran family. The duke of Norfolk, the leader of the catholic laity, was suspected of being influenced by another motive besides the interest of his party, in the share which he took in

* The character of Cromwell may be estimated from the following extracts from a memorandum book of that minister, published by Mr. Ellis:—

"Item—the abbot of Reding to be sent down to *be tried and executed* at Reding, with his complices."

"Item—the abbot of Glastonbury to be tried at Glaston, and also *to be executed* there, with his complices."

"Item—to advertise the king of the *ordering* of *maister Fisher*" (the bishop).

"Item—to know his pleasure touching maister More" (sir Thomas More).

"Item—when maister Fisher shall go."

"Item—to send unto the king by Raffe the behaviour of maister Fisher."

"To send *Gurdon* to the Tower, to be *rakked*."

the destruction of Cromwell. He confidently expected that it would be followed by the elevation of his niece, lady Catherine Howard, to the throne; a promotion which promised, indeed, to serve his cause, as well as to honour his person and enlarge his power. Among the various circumstances which caused Cromwell to die unpitied, it was not the least, that he had himself set the example of attainder without trial, oftener than any other minister. He fell by his own snares.

One of the most cruel of these iniquitous executions was that of Courtney marquis of Exeter, with lord Montague and sir Edward Nevil, whose guilt seems to have consisted only in their descent from Edward IV. Exeter was charged with the very improbable offence of conspiring to place Reginald Pole on the throne, although the title of Exeter himself was preferable. Reginald Pole, best known as a cardinal, was the son of Margaret Plantagenet, daughter to the duke of Clarence, by sir Richard Pole, a knight of ancient descent in Wales. He passed much of his life in Italy, where he was the rival and delight of the most accomplished poets, artists, and scholars, who adorned that brilliant age. Henry seemed to have been proud of him. He defrayed his relation's expenses munificently, and was certainly eager in his wish to obtain the sanction of a learned and celebrated person of his royal blood to his marriages and divorces. He was doubtless sincere in his urgent invitations and ample offers; but it might have been unsafe for so near a connection of the house of York to trust himself to the inconstant friendship of his royal cousin.

He could not forget the murder of his uncle, the earl of Warwick, by Henry VII.; more especially as he himself assured his biographer Beccatelli of the agreement of Henry and Ferdinand, in 1499, that the death of Warwick should precede the marriage of Arthur and Catherine. It is also probable, though, considering the religious opinion then prevalent among Italian men of letters, it cannot be certainly known, that Pole's piety was sincere, and his zeal for the papal authority honest. At

all events, generosity and honour forbade the desertion of faithful companions. Pole declined the advances of the king, and openly professed his condemnation of the divorce. Henry's hatred was kindled in proportion to the ardour of his desires to obtain Pole's friendship and approbation. The monarch took a dreadful revenge. Margaret Pole, a Plantagenet, the cardinal's mother, was attainted of high treason, perhaps under the pretext of a mother's correspondence with her son. She was imprisoned for two years in the Tower; and was treated variously, as might seem conducive to the purposes of subduing or melting down her resistance. She was beheaded on the 27th of May, 1541. She refused to lay her head on the scaffold, saying that "it was for traitors to do so, which she was not." She moved, or was thought to move, aside a hair-breadth from the spot, seemingly as a sort of protest against an execution without trial. The executioner, alarmed and confounded, struck several cuts at her, which covered her grey hairs with blood before they altogether extinguished life.

The king, who had wedded Catherine Howard only in August, 1540, received such information in November following of her dissolute life before marriage, as immediately caused a rigid enquiry into her behaviour. The facts are contained in a despatch from the privy council to the ambassador at Paris, dated on the 12th of November, and they are related with a circumstantial exactness, forming almost a contrast to the vagueness of all former proceedings of the like sort. The facts, which are too gross to be stated, the names of the witnesses, the share of Cranmer in communicating the information to the king (which appears indeed to have been inevitable), in a word, whatever can illustrate or establish a charge, are fully related in the despatch. There is no evidence that Cranmer was ever guilty of a malicious or vindictive act. The confessions of Catherine and of lady Rochford, upon which they were attainted in parliament, and executed in the Tower on the 14th of February, are not said to have been at any time ques-

tioned. It is difficult to withhold belief from the facts; but the baseness of the parliament, who entreated the king not to give his assent in person to the bill, and the facility with which he doomed these females to execution, in spite of the sensibility which the slavish parliament ascribed to him, are very slightly, if at all, extenuated by the truth of the charge. The authentic accounts known to us relate chiefly to the vices of Catherine before marriage.

Some acts of infidelity subsequent to the marriage are indeed recited, and were necessary to bring the charge within the most forced construction of the statute of Edward III. It contains, however, another abominable clause, which makes it high treason in any woman whom the king is about to marry, not to confess her unchastity to him, if she has been actually unchaste. This clause, it may be supposed, would have occurred to no tyrant, if there had been no misgiving, in the particular case, of acts done after marriage.* To make the concealment of vices a capital offence was worthy of such a reign. The mind of Henry, under colour of preserving the public quiet by guarding the succession, was intent on fencing round a sort of successive seraglio, by all the horrors which could deter intruders from its approaches. Every woman who now aspired to share his throne might, without a very powerful fancy, imagine that she saw the heads of her predecessors planted on the walls of his palace. His regard to the mere forms of wedlock, joined to a contempt for kindness and tenderness, "the weightier matters of the law," made him a more cruel tyrant than he could have been, if he had disregarded the exterior as much as he offended against the substance of that important union. It appears, accordingly, that after the tremendous enactment which made the concealment of incontinency a capital offence, the offer of his hand was more dreaded than courted; so that the youthful beauties stood off from a royal seat,

* 31 Hen. 8. c. 21. An act for the attainder of Catherine Howard and her accomplices.

which placed their lives at the mercy of the king's mistakes as well as of his passions.*

On the 10th of July, 1543, Henry wedded Catherine Parr, the widow of lord Latimer, a lady of mature age, who showed the same favourable disposition to the reformation with all his English wives, except Catherine Howard. By her elevation to the throne, the reformers obtained a compensation for the loss of lord Audley, the chancellor, their secret but steady friend, who was succeeded by Wriothesley, a patron of the old doctrine. The prebendaries of Canterbury, excited, as it was believed, by Gardiner, preferred a voluminous accusation against Cranmer; the substance of which was, that he discouraged orthodox preachers and protected the heretical; that under him the law of the six articles was unexecuted, and that he had a constant correspondence with the heretics of Germany. The conduct of Cranmer had been wary, and the king showed a friendship for the primate, which the uniform compliance of the latter had too well earned. He escaped from this conspiracy of his clergy. Sir John Gortwick, member of parliament for Bedfordshire, complained to the house of commons against Cranmer for preaching heresy. The king rebuked Gortwick severely. The Roman catholic party renewed their attack in the privy council, complaining that "Cranmer and his learned men had so infected the whole realm with their unsavoury doctrines, that three parts of the land were become abominable heretics." The king terminated the affair by declaring, that he accounted "the archbishop of Canterbury to be as faithful a man to the crown as ever was prelate in this realm."

Catherine had read Lutheran books, and even presumed to enter into theological controversy with her imperious lord. Wriothesley and Gardiner were directed to give order for her imprisonment, and to prepare articles of impeachment against her. Hearing this intelligence, she fell into a succession of fits, in consequence

* Herbert, ii. Kenn. 238.

of which he was carried to her apartment (for he was now too unwieldy to walk), where he said, "Kate, you are a doctor."—"No," said she, "sir, I only wished to divert you from your pain by an argument, in which you so much shine."—"Is it so, sweetheart?" said he; "then we are friends again." By this stratagem did she escape the vengeance of the royal polemic, which, during the remainder of his life, she never again ventured to provoke.*

In the beginning of the year 1543, Henry renewed his friendship with the emperor, long suspended by the discussions respecting the divorce and marriage of the English monarch. They concluded an alliance against Francis, whom they represented as "the ally of the Turks."† The beginning of the war was inconsiderable. On the 14th of July, 1544, Henry, who still affected a fondness for warlike shows, passed the seas in a ship with sails of cloth of gold, leaving the regency in the hands of Catherine. The imperial ambassador urged his immediate advance to Paris: but the king of England rather followed the example than the counsel of the emperor, who had already added several French towns to his Burgundian territory. The duke of Suffolk marched to invest Boulogne, which was gallantly defended by Vervins, the French governor. The English general was speedily followed by the duke of Albuquerque, the commander of the imperial auxiliaries, and by Henry himself, who, in spite of his huge and distempered body, came "armed at all points upon a great courser." The lower town was taken before the 21st of July; but the high town did not surrender till the 14th of September, and then on terms well merited by a brave defence. The king made his triumphant entry on the 18th into this city, of which the reduction was somewhat characteristic of Henry's warfare; having a sort of middle character between a siege and a tournament, and chiefly

* Strype's Cranmer, c. 26, 27, 28.
† Rymer, xiv. 768, &c. "Contra Franciscum cum Turckâ confederatum." 11th Feb. 1542 (1543).

remarkable as a display of prowess, and an exhibition of the feats of arms of the youth of two warlike nations.* On the same day with Henry's triumphal entrance into Boulogne, the emperor made a separate peace with France at Cressy, alleging Henry's attack on Boulogne as a departure from the general objects of the alliance. A secret article is said to have formed a part of that treaty of Cressy, for the destruction of the religious revolt which was now spreading in France, in the Netherlands, and in Switzerland. But it is not probable that the projects of Charles V. and Henry II. were at that period so mature as to be reduced to diplomatic formalities. The French, under the mareschal de Monluc, were repulsed in an attempt to retake Boulogne. They disembarked in the Isle of Wight and in Sussex. Several indecisive skirmishes occurred at sea. These unimportant hostilities were closed by a treaty signed on the 7th of June, 1546, and somewhat singularly dated "under tents in the fields between Ardres and Guines," of which the principal stipulation was, that within eight years Henry should receive two millions of crowns, with arrears and costs which are enumerated; and on payment of these sums, Boulogne and its dependencies should be restored to Francis.

The cruelty of Henry continued conspicuous to the last, in the alternate but impartial persecution of the Lutherans as heretics, and of the papists as traitors. But it seems to have been somewhat mitigated in his last years to his court and kindred; probably from the languor of distemper, which might put on some appearance of mildness, and produce some of the effects of good nature towards those on whose kind offices he was necessarily dependent. This general softening was chequered by occasional acts of extreme harshness, which, for the sake of equal justice, may be laid to the account of his occasional paroxysms of pain, which are said to have been unusually acute. His body had become so

* Diary of the siege of Boulogne, 21st July to 25th September, 1544, Herbert, 245.

unwieldy, that he could not be moved without machines contrived for the purpose. An oppression on his breathing rendered it difficult for him to relieve himself by a recumbent posture. The signature of his name became too heavy a task for his feeble or overloaded hands. Stamps with his initials were affixed in his presence, and by his verbal command, to all the instruments which required the royal signature. He became offensive to his humblest attendants by an ulcer in one of his swollen limbs, which often subjected him to the extremity of pain.

It was in this miserable condition of Henry that an act was done by him, or in his name, which has become memorable and interesting from the fame of an illustrious sufferer. Henry Howard, earl of Surrey, is so justly renowned by his poetical genius, which was then surpassed in his own country by none but that of Chaucer; by his happy imitations of the Italian masters; by a version of the Æneid, of which the execution is wonderful, and the very undertaking betokens the consciousness of lofty superiority; by the place in which we are accustomed to behold him, at the head of the uninterrupted series of English poets; that we find it difficult to regard him in those inferior points of view, of a gallant knight, a skilful captain, and an active statesman, which, in the eyes of his contemporaries, eclipsed the lustre of his literary renown. He had served with distinction in the late war against France, where differences with the earl of Hertford, whom Surrey accused of having supplanted him in command, were widened. Hertford was the brother of Jane Seymour, and the uncle of the young prince. The rapid decay of the king added daily to his consequence, and increased his desire to ensure an undivided power over his nephew. Hertford so soon after gave full scope to his attachment for the reformation, that we cannot suppose him not to have been a protestant while Henry yet lived. As none of the reformed nobility exposed themselves to legal punishment by an avowal of their faith, so the catholic lords concealed their

attachments to the papal power, which would have been an unpardonable crime in the eyes of Henry. These circumstances render it difficult to ascertain the real opinions of the earl of Surrey. But we know the opinions of his father, and the inclinations of his family, so perfectly, that there can be little doubt of Surrey being at least an adherent of the catholic party. The house of Howard alone stood in the way of the Seymours in their pursuits, under the approaching minority. Personal pique, religious dissension, political jealousy, all pointed in the same direction. The means by which Henry was enlisted in the service of this confederacy of passions are unknown ; but it is likely that he was easily filled with apprehension by representations of the power and greatness of the Howards, who alone could endanger the royal seat of his son.

Whatever were the motives or means employed, the earl of Surrey, together with his father, was, on the 12th of December, 1546, imprisoned in the Tower.* The legal ground of proceeding was the sweeping section of more than one recent statute which made it high treason "to do any thing, by word, writing, or deed, to the scandal or peril of the established succession to the crown." The only overt act alleged against him was his having assumed the armorial bearing of Edward the Confessor, which had been hitherto exclusively used by his majesty and his predecessors, kings of England."†

Of the witnesses who were examined in support of this charge, the first was Mrs. Holland, the mistress of the duke of Norfolk. She only mentioned the duke having blamed his son for want of skill in quartering the family arms, and "had spoken with warmth against the new nobility (meaning the Seymours), who did not love him." The second witness was the duchess of Richmond, the widow of Henry's natural son, a young and very beautiful woman, who, though the daughter of

* 28 Hen. 8. c. 7. was the last. Similar clauses are in the acts of the 25th and of the 27th of Henry.

† Nott's Works of Surrey, i. Appen. No. 33.

Norfolk, now appeared to swear away the lives of her father and her brother. She deposed that her brother Surrey had spoken with asperity of Hertford; that he had professed a dislike of "the new nobility," and complained of the king as the cause of the defeat of the English before Boulogne. She added, seemingly of her own accord, that Surrey wore on his arms, instead of a ducal coronet, what seemed to her judgment very like a close crown, and a cipher, which she took to be the king's H. R.; two matters, however, which had no connection with the accusation.

Surrey was tried on the 13th of January, 1547, at Guildhall; and on this absurd charge, supported by such monstrous evidence, he was convicted of high treason.* On the 19th or 21st of January he was executed, either six or eight days before Henry died, "who," says Holinshed, "on the day of lord Surrey's execution, was lying in the agonies of death." As the king's sick bed was surrounded by Surrey's enemies, it must be always uncertain whether the hand of Henry was, even in the lowest bodily sense, affixed to the instrument which warranted the execution.

The duke of Norfolk, who seems to have owed his misfortunes originally to the resentment of the duchess, whom he had long deserted for Mrs. Holland, was importuned into an imperfect confession of acts which were almost blamable. A bill of attainder was introduced against him, founded on his confession. The royal assent was given to it in virtue of a commission signed by the stamps on the 27th of January, and orders were sent to the Tower for the execution in the morning. But Henry died in the night. The execution was suspended. The duke was confined during the next reign; but in that of Mary the attainder was reversed, on the grounds that the act could not be treason, because the arms had been long publicly borne in the presence of the kings of England; that the king died in the night fol-

* Six of the twelve jurors appear, from their names, to be men of ancient note in Norfolk, from which county they were summoned: Paston, *Boleyn*, Woodhouse, L'Estrange, Hobart, Bedingfield.

lowing the day on which the commission bears date; and that the commission is not signed with his name, but with stamps put thereunto not in the place where he was accustomed to put them; and it was also declared that the royal assent can only be given by the king, either in his own person or by letters patent under the great seal, according to a statute of 33 Henry VIII., and that the pretended act of attainder shall be taken and deemed to be no act of parliament.*

At two o'clock in the night between the 27th and 28th of January, 1547, Henry VIII. breathed his last in his palace at Westminster, in the thirty-fifth year of his reign and fifty-sixth of his age. On Saturday, the 29th, parliament met according to their adjournment, and transacted ordinary business. It was not till Monday, the last day of January, "that, in presence of all the peers, and of the knights and burgesses, Wriothesley the chancellor announced to them the decease of their late dread lord, which," says the record, "was unspeakably sad and sorrowful to all the hearers; the chancellor himself being almost disabled by his tears from uttering the words: at last, however, when they had composed their lamentations and consoled their grief by calling to mind the promise of ability and virtue already given by prince Edward, and having heard a great part of the king's testament read by sir William Paget, secretary of state, the present parliament was declared by the lord chancellor to be dissolved by the demise of the crown." †

This parliamentary consideration of a royal testament implying that right of bequeathing a nation which had been so decisively repelled in the minority of Henry VI., requires some explanation. The act of settlement passed on Henry VIII.'s marriage with Jane had vested the power of bequeathing the realm in the crown on failure

* Nott's Surrey, i. Appen. No. 50., from the original at Norfolk-house. Nothing is contained in the authentic edition of the statutes, but the title of the statute of Mary, "An act to declare the pretended attainder of Thomas duke of Norfolk to be void and of no effect."

† Lords' Journals, i. 291.

of the king's legitimate issue, no such issue being then in existence.* About three years before the king's decease, this unbounded and oriental power was abridged by a statute, which, after the failure of male progeny, limited the succession to Mary and Elizabeth, without any consideration of their irreconcilable claims, or of their common illegitimacy; on condition, however, of these princesses observing the terms, if any, to be prescribed by the king; and in the case of their death or forfeiture, the unlimited power of devise was re-vested in the crown.† The king's property in his people was still maintained, as his daughters were not to inherit by the fundamental laws, but to receive a conditional and defeasible authority under his will. By the will of Henry, executed on the 30th of December preceding his death, all the powers of government were, during the minority, vested in fifteen persons therein named ‡ (called in the will executors, to keep up the language of the doctrine of ownership).

In 1539 §, the submissive parliament passed an act "that proclamations by the king in council should be obeyed as though they were made by act of parliament, under such pains as such proclamations shall appoint:" providing, however, that the punishment shall not extend to death or forfeiture, *except in case of heresy;* and that the proclamation shall not have the power of repealing laws, or of abolishing the ancient usages of the realm. Offenders were to be tried in the court of star-chamber; and if they took refuge from its mercy in a foreign land, were declared to be guilty of high treason. One of the reasons assigned for it, (as Mr. Hallam has, with his usual sagacity and manliness, observed,) "that the king should not be driven to extend the liberty and supremacy given him by God, by the wilfulness of froward subjects," is more shocking than the statute itself.

* 28 Hen. 8. c. 7. s. 9. † 35 Hen. 8. c. 4.

‡ Archbishop of Canterbury, lord chancellor Wriothesley, sir John Hertford, Russell, Lisle, bishop Tunstall, Brown, master of the horse; Montague, chief justice of the Common Pleas; Bromley, a justice; North, Paget, Denny, Harberd, and two Woottons.

§ 31 Hen. 8. c. 8.

The exception of heresy showed how widely the undefined supremacy had thrown open the door for the entrance of despotism; for no bounds seemed possible to an authority which united the power of the king with that of the pope, and the pretext of heresy furnished the ready means of crushing any opponent.*

But though no language can adequately condemn the base subserviency of Henry's parliament, it may be reasonably doubted whether his reign was, in its ultimate consequences, injurious to public liberty. The immense revolutions of his time in property, in religion, and in the inheritance of the crown, never could have been effected without the concurrence of parliament. Their acquiescence and co-operation in the spoliation of property, and the condemnation of the innocent, tempted him to carry all his purposes into execution, through their means. Those who saw the attainders of queens, the alteration of an established religion, and the frequent disturbance of the regal succession, accomplished by acts of parliament, considered nothing as beyond the jurisdiction of so potent an assembly.† If the supremacy was a tremendous power, it accustomed the people to set no bounds to the authority of those who bestowed it on the king. The omnipotence of parliament appeared no longer a mere hyperbole. Let it not be supposed, that to mention the good thus finally educed from such evils, is intended or calculated to palliate crimes, or to lessen our just abhorrence of criminals. Nothing, on the contrary, seems more to exalt the majesty of virtue than to point out the tendency of the moral government of the world, which, as in this instance, turns the worst enemies of all that is good into the laborious slaves of justice. Of all outward benefits, the most conducive to virtue as well as to happiness is, doubtless, popular and representative government. It

* An old writer very significantly said, "Henry was a king with a pope in his belly."

† The observations of Nathaniel Bacon, or rather of Selden, from whose MS. notes he is said to have written his book, deserve serious consideration. Bacon on the Laws and Government of England, chap. 27.

is the reverse of a degradation of it to observe, that its establishment among us was perhaps partially promoted by the sensuality, rapacity, and cruelty of Henry VIII. The course of affairs is always so dark, the beneficial consequences of public events are so distant and uncertain, that the attempt to do evil in order to produce good is in men a most criminal usurpation.

Some direct benefits the constitution owes to this reign. The act which established a parliamentary representation in so considerable a territory as Wales may be regarded as the principal reformation in the composition of the house of commons since its legal maturity in the time of Edward I. That principality had been divided into twelve shires; of which eight were ancient*, and four owed their origin to a statute of Henry's reign. † Knights, citizens, and burgesses were now directed to be chosen and sent to parliament from the shires, cities, and burghs of Wales. ‡ A short time before, the same privileges were granted to the county palatine of Chester, of which the preamble contains a memorable recognition and establishment of the principles which are the basis of the elective part of our constitution. § Nearly thirty members were thus added to the house of commons on the principle of the Chester bill: that it is disadvantageous to a province to be unrepresented; that representation is essential to good government; and that those who are bound by the laws ought to have a reasonable share of direct influence on the passing of laws. As the practical disadvantages

* Glamorgan, Carmarthen, Pembroke, Cardigan, Flint, Carnarvon, Anglesea, and Merioneth.

† Radnor, Brecknock, Montgomery, and Denbigh. 27 Hen. 8. c. 26.

‡ 34 & 35 Hen. 8. c. 26. s. 50.

§ 34 & 35 Hen. 8. c. 13. "That the said county have hitherto been excluded from the high court of parliament, to have any knights and burgesses within the said court, by reason whereof the inhabitants have sustained manifold damages in their lands, goods, and bodies, as well as in the good governance of the commonwealth of their said country; and for as much as they have been bound by the acts of the said court, and yet have had no knights and burgesses therein, for lack whereof they have been often touched and grieved by the acts of the said parliament, prejudicial to the commonwealth, quietness, rest, and peace of your highnesse's bounden subjects, inhabiting within the said county," &c.

are only generally alleged, and could scarcely have been proved, they must have been inferred from the nature of a house of commons. The British constitution was not thought to be enjoyed by a district till a popular representation was bestowed on it. Election by the people was regarded, not as a source of tumult, but as the principle most capable of composing disorder in territories not represented.

But it is chiefly by its relation to the infant reformation of religion that this reign became a period of great importance in the general history of Europe. The last twenty years of it is to be considered as a time of transition from popery to protestantism. It must be owned that it required a vigorous, and even a harsh hand, to keep down all the fear and hatred; all the conscientious but furious zeal of catholics and gospellers; the whole mass of passion and of interest which were stirred up by so prodigious a revolution in human opinion.

An ecclesiastical dictatorship might have been excused in a time full of peril. At the beginning the protestants (even if we number all the anti-papists among them) formed a small, though intelligent and bold minority. They grew stronger by degrees, as opinions and parties which are the children of the age naturally do. Their strength lay in the towns on the southern and eastern coasts, and among the industrious classes of society. In the northern and midland provinces, and in the mountains of Wales, far removed from commerce with the heretics of Flanders and Germany, the ancient faith maintained its authority. At the end of this reign it is still doubtful whether the majority had changed sides. Henry had few qualifications for an umpire. But it was a public service that he restrained both factions, and kept the peace during this dangerous process. Had he been only severe and stern, instead of plunging into barbarism and butchery, his services might be commended, and some allowance might be made for the necessity of curbing uncivilised men by rough means.

Had the protestant party risen against him they must have been vanquished, and he would have been driven back into the arms of Rome. The iron hand which held back both parties from battle was advantageous to the protestant cause, humanly speaking; only because the opinions and institutions which spring up in an age are likely to be the most progressive. His grotesque authority as head of the church, his double persecution of Romanists and Lutherans, his passion for transubstantiation, and his abhorrence of appeals to a court at Rome, may be understood, if we regard his reign as a bridge which the nation was to pass on its road to more complete reformation. This peculiar character was given to the latter portion of his reign by the combined power of his adherence to the catholic doctrines, and of his impatience of papal authority, by the connection of this last disposition with the validity of his marriages and the legitimacy of his children; by the manifold and intricate ties which at various times blended the interest of each religious party with the succession to the crown; an object which the recent remembrance of the war of the Roses might render very important to any prince, but which became the ruling frenzy of Henry's mind. The reformers needed the acquisition of one great state for the stability and solidity of their reform. They gained England. As soon as the hand was withdrawn which held the statesmen and the people dumb, the reformation was established. England continues to this day to be the only power of the first class which maintains the reformed doctrines.

Eleven months before the decease of the English monarch, Luther breathed his last in his native town of Eisleben, which he had not visited for many years. He died of an inflammation in his chest, which cut him off in twenty-four hours, in the sixty-third year of his age. His last moments were placid, and employed in prayers for the wellbeing of the church, now more than ever threatened by the Roman pontiff, supported as he was

by the great council of his followers convoked at Trent. It ought not to be doubted by a just man, of whatever communion, that Martin Luther was an honest, disinterested, and undaunted man, magnanimous in prosperous as well as adverse fortune, without the slightest taint of any disposition which rested on self as its final aim, elevated by the consciousness of this purity in his motives, and by the humble desire to conform his mind to the model of supreme perfection, and to adapt his actions to the laws which flowed from the source of all good, through reason and through revelation. On the other hand, it must be allowed that his virtues were better fitted for revolutions than for quiet; that he often sacrificed peace and charity to trivial differences of opinion, or perhaps unmeaning oppositions of language; and that his scurrilous and merciless writings, as a controversialist, both manifested and excited very odious passions. But the object of his life was religious truth; and, in the pursuit of this single and sublime end, he delivered reason from the yoke of human authority, and contributed to set it free from all subjection, except that which is due to Supreme Wisdom — "whose service is perfect freedom."

The tales propagated against this great man prove his formidable power. He was said openly to deride all that he taught, to have composed hymns to his favourite vice of drunkenness, to disbelieve the immortality of the soul; nay, even to have been an atheist. He was represented to have been the fruit of the commerce of his mother with a demon, — a fable which, in the end of the seventeenth century, writers of some reputation thought it necessary to disavow. Notes of his table-talk, published many years after his death, and then, perhaps, very inaccurately, continued to furnish the viler sort of antagonists with means of abuse, in the ardent phrases which fell from him amidst the negligence of familiar conversation.*

* Bayle, art. Luther.

At the moment of his death, Lutheranism was established only in Scandinavia, and in those parts of Germany which had embraced it when it was first preached. The extent, however, of its invisible power over the minds of men was not to be measured by the magnitude of the countries where it was legally predominant. Bold enquiry, active curiosity, excited reason, youthful enthusiasm, throughout every country of Europe, in secret cherished a Lutheran spirit. Henry, as we have seen, was impelled, by a singular combination of circumstances, to prepare the way in England for embodying that spirit in a civil establishment. Calvin, who was called by his eminent contemporaries * the greatest divine since the apostles, had now spread the seeds of reformation throughout France. Had Luther survived a few years longer, he would have seen the second and more terrible eruption of the reformation in the civil wars of France, in which the protestant party maintained their ground for thirty years, and obtained a partial establishment for near a century, though they were finally doomed to defeat and dispersion. In Italy, most well-educated men, who were not infidels, became secret protestants. The inquisition did not entirely exempt the Spanish peninsula from innovation. If 100,000† or 50,000 protestants suffered for religion in the Netherlands, during the government of Charles V., we can desire no better proof of the prevalence of the reformation in these rich and lettered provinces. Already monarchs, now become absolute, began to apprehend that the spirit of enquiry would extend from religion to civil government ‡, or, in their language, prove as fatal to the state as to the church. Such, at a much earlier period, were the fears with which the insurrection of the German peasants had filled

* Scaliger.

† "Postquam carnificata plusquam *centum millia*."—*Grot. Ann.* lib. i.

‡ "Plerisque principibus infixum, unum reipublicæ corpus *una* religione velut spiritu contineri. Cæsari persuasum fuit proculcata sacerdotum reverentia ne ipsi quidem mansurum obsequium."—*Ibid.*

On the other side a decisive principle had begun to dawn on the mind of of the wise,—"NEMINEM VOLENTEM ERRARE AUT NOLENTEM CREDERE." *Grot. Ann.* lib. ii.

the mind of sir Thomas More.* The intention of quelling this general revolt of the minds of men by a confederacy of princes, although not fully unfolded, was, we are told, one of the motives of the treaty of Francis I. with Charles I., which preceded the last peace between France and England.† But points like these are long discussed among statesmen, and acquire some steady place in their minds, before the perils grow large enough and come near enough to be contemplated with practical seriousness, and long before they are felt to make urgent demands on rulers for the security of the commonwealth against the threatening tempest. At the death of Henry VIII. the preponderance of visible force in the scale of establishment was immense; and even the moral force of the state and the church retained its commanding posture and its aspect of authority, at the moment when its foundation in opinion was silently crumbling from beneath it. It is easy to blame this want of foresight after events have taught knowledge. But contemporary statesmen would have acted unwisely, if they were to be influenced in their deliberations concerning present events by probabilities of future danger so uncertain, even from their distance, as to be beyond the scope of the active politician, who is never to forget the shortness of his foresight, and the moral duty of walking warily when he cannot see clearly. It was not wonderful that the masters of Europe should adjourn the consideration of perils which still seemed to belong more to speculation than to practice, and of a religious revolution which, in the course of thirty years,

* "Of this sect (the Lutherans) was the great part of those ungracious people who of late entered Rome with the duke of Bourbon, who like *very beasts* outraged wives in the sight of their husbands, and slew the children in the sight of their fathers."— *More's Dialogue on the pestilent Sect of Luther and Tindal*, book iv. c. 7. London, 1530.

"They teach the common people that they be in full freedom, and discharged from *all laws* spiritual and *temporal*."— *Ibid.*

"If the world were not near an end, it never could have come to pass that so many people should fall to the following of so *beastly* a sect."—c. 9.

† Fra Paolo, lib. ii. in the beginning. The speech ascribed by this great writer, in his first book, to the cardinal de Volterra, is such as might have been made in any age of revolutions, by an undistinguishing antagonist of reformation.

had gained no outward dominion in the more cultivated parts of Europe, except a small number of German cities and principalities.

CHAP. IX.

EDWARD VI.

1547—1553.

In the list of executors appointed by the will of Henry VIII. we see the decisive predominance of "the new nobility," invidiously so called by their enemies, both because they were partisans of the new reformers, and because they owed their sudden rise in wealth to a share in the spoils of the church. Generally speaking they were gentlemen of ancient lineage; but their fortune and rank commonly sprung from this dubious source. Few of the highest houses were without some taint of it. The main body of the English peerage are a modern nobility raised out of an ancient gentry. The description is, however, only accurate when the words are strictly confined to their English sense; for in the vocabularies of continental nations the class whom we call "*gentry*" would be considered as a portion of the nobility.

As the selection was made at the very moment of the downfall of the house of Howard, the leaders of the old nobility and the chiefs of the old faith, the preponderating influence of the earl of Hertford must be supposed to have presided over the choice of the executors. The will was executed when the king lay on his deathbed, in the hands of Seymour, Catherine Parr, and Cranmer. The delay of three days in taking any formal measures relating to the demise, if it could in our time legally occur, would be censured as a daring assumption. At that time no notice was taken of it.

The young prince, who was at the royal mansion of Hatfield, was conducted to his sister Elizabeth at her residence at Enfield; whence he was brought in regal state, and proclaimed king of England, on Monday, the 31st of January, 1546, or rather 1547. He was born on the 12th of October, 1537; and his proclamation took place when he was nine years and about three months old. As the late king, in execution of a power vested in him by statute, had appointed the council called executors to exercise the royal authority in the minority of his son, they do not seem to have gone substantially beyond their power, by nominating one of their number to preside in their deliberations, and to represent the state on fit and urgent occasions. Hertford was created duke of Somerset, and assumed, or received, the titles of "governor of his majesty, lord-protector of all his realms, lieutenant-general of all his armies." This appointment was vainly resisted by the chancellor Wriothesley, who considered it as the grave of the ancient institutions, of which he was now the most forward champion. In February Edward was crowned; and a few days afterwards the great seal was taken from the refractory chancellor, and placed in the more trustworthy hands of lord St. John. It might have been difficult to have regularly removed the chancellor, placed as he was among the executors by the late king's appointment. But he afforded a pretext, perhaps a reason, for his removal by a very rash usurpation on his part. Preferring his political power to his judicial duties, he, without the knowledge of his colleagues, issued a commission under the great seal, to four persons, therein named, to hear and determine all causes in the court of chancery during the chancellor's absence. The judges, twice consulted, pronounced the chancellor's act to be an offence, punishable by imprisonment, fine, and loss of office, or in other words, a high misdemeanour; and, perhaps, the forfeiture of office was thought a necessary consequence of imprisonment. The terror of these penalties compelled Wriothesley to resign.

The panegyrics on Edward at this time are a good example of the folly of excessive praise. He was in truth a diligent, docile, gentle, sprightly boy, whose proficiency in every branch of study was remarkable, and who showed a more than ordinary promise of capacity. Sycophants, declaimers, enthusiasts, lovers of the marvellous, almost drowned in a flood of panegyric his agreeable and amiable qualities. The manuscripts still extant, either essays or letters, might have been corrected or dictated by his preceptors. It is not probable that "the diary of his life," which is the most interesting of them, should be copied from the production of another hand; neither does it indicate the interposition of a corrector. It is, perhaps, somewhat brief and dry for so young an author; but the adoption of such a plan, and the accuracy with which it is written, bear marks of an untainted taste and of a considerate mind.

On the 13th of March the council, no longer restrained by the presence of Wriothesley, proceeded to enlarge the protector's authority, in a manner which was at variance with the foundation of their own power. They addressed the king to name the duke of Somerset protector of the king and the kingdom; and the royal boy, like Henry VI. in his earliest infancy, was made to go through the ceremony of ordering the great seal "to be affixed to letters patent, granting the title of protector to that nobleman, with full authority to every thing that he thought for the honour and good of the kingdom; to swear such other commissioners as he should think fit; and to annul and change what they thought fitting; provided that the council was to act by the advice and consent of the protector."

The populace now began to destroy the images in churches, which Luther had tolerated as aids to devotion, and of which Cranmer vindicated the moderate use, as constantly preaching to the eyes of the ignorant. The likelihood of gross and extensive abuse is, indeed, the only solid objection to this ancient practice. The

government, almost entirely protestant, proceeded to the grand object of completing the religious revolution, and of establishing a church not only independent of the discipline of the see of Rome, but dissenting from many doctrines which had been for ages held sacred by the whole western church. The protector began his task through the ancient prerogative of the crown, through the supremacy over the church, and by means of the statute which gave to proclamations the authority of laws.

Persecutions under the act of the six articles ceased; prisoners were released, exiles were recalled. The obedience of the clergy was enforced by the adoption of the principle, that the appointment of bishops, like every other, was determined by the demise of the crown, which compelled all prelates to receive their bishoprics by letters patent from the king, during good behaviour. Preaching, which had been so rare in catholic times, that it would have been impossible to impose it on an untrained clergy, was in some measure supplied by homilies, composed by Cranmer, which the parish priests were directed to read to their congregations. Visitors were despatched throughout the kingdom, with a scarcely limited authority in ecclesiastical cases, who were instructed to require that four sermons in the year should be preached in every church against the papal authority; that sermons should be directed against the honour or worship of images; that all images abused by being the object of pilgrimages and offerings should be destroyed; that the English Bible, with Erasmus's commentary on the gospels, should be placed in every church for the use of the people; together with many other points selected, not always so much on account of their intrinsic importance, as because they were brought by public worship into daily contact with the minds of the people; and because, taken altogether, they carried into every hamlet the assurance that the government were no longer to be neutral. Gardiner, bishop of Winchester, a man of great learning and ability, but one of Henry's

devoted agents in the suit for a divorce, and who did not scruple to hold his diocese during the whole schismatic establishment, now made a manly and becoming resistance to these injunctions, on principles of civil liberty, as much as of ecclesiastical discipline. He was imprisoned for his disobedience. Bonner of London, more violent and more subservient, escaped a prolonged imprisonment by an humble submission. Tunstall, bishop of Durham, a prelate of various and eminent merit, was excluded from the privy council, to impress on the people, by the strongest example, the disinclination of the protector towards the ancient faith. After these preparatory measures, a parliament was assembled on the 4th of November, 1547, in which several bills were passed to promote and enlarge the reformation. The communion was appointed to be received in both kinds by the laity as well as clergy, without condemning the usages of other churches*, in a statute, drawn with address, which professes to be passed for the purpose of preventing irreverence towards the sacrament, and which covers the concessions to the people by many provisions for the former object. Bishops were to be formally nominated by the king; process in the ecclesiastical courts was to run in the king's name.† In another act the statutes of Richard II. and Henry IV. against the Lollards were repealed, together with all the acts in matters of religion passed under Henry VIII., except those directed against the papal supremacy.‡ All the treasons created by Henry underwent the same fate, and that offence was restored to the simplicity of the statute of Edward III. The act which gave legislative power to proclamations was also abrogated by the last-quoted statute, which at the same time guards the order of succession as established in the last act of settlement.§ Though Bonner was daily present during the session, there were only two divisions; one in which that prelate, with four of his brethren, voted against the allow-

* 1 Edw. 6. c. 1.
† 1 Edw. 6. c. 2.
‡ 1 Edw. 6. c. 12.
§ 35 Hen. 8.

ance of the cup to laymen, there being twenty-two prelates in the majority; another* for vesting the possessions of chantries, with certain colleges and free chapels, in the crown, on which Cranmer was not deterred from voting against rapine, by finding himself in a minority with Bonner. In the next session the uniformity of public worship was established, in which all ministers were enjoined to use only the Book of Common Prayer, prepared by the primate and his brethren †, the foundation of that which, after various alterations in the reigns of Elizabeth, James I., and Charles II., continues in use to this day. A singular law was passed to enforce the observance of fast days and of Lent, by the infliction of a fine of ten shillings and ten days' imprisonment upon fast breakers, "Albeit," says the statute, "one day is not more holy than another ‡, yet it is proper, to prevent this knowledge from turning into sensuality, to subdue men's bodies to their souls, and especially that fishers may the rather be set at work." This strange enactment was immediately followed by the emancipation of the English clergy from compulsory celibacy §, which is prefaced by an admission, that "it would be much better for priests to live separate from the bond of marriage for their own estimation, and that they might attend solely to the ministration of the Gospel."

Although there were no protestant nonconformists at this period, yet the last act of uniformity passed in this reign may be considered as the earliest instance of penal legislation pointed against mere dissenters.|| It commanded all persons to attend public worship under pain of ecclesiastical censures, and of six months' imprisonment for the first offence, twelve for the second, and for the third confinement for life. Notwithstanding the merciful repeal of Henry's treasons, which opened the new reign with a benignant aspect, it was deemed ne-

* 1 Edw. 6. c. 14.
† 2 Edw. 6. c. 1.
‡ 2 & 3 Edw. 6. c. 19.
§ 2 & 3 Edw. 6. c. 21.
|| 5 & 6 Edw. 6. 1.

cessary before its close to pass a riot act of great severity against tumultuous assemblies, and to punish those who call the king or any successor, under the thirty-fifth of Henry VIII., a heretic, schismatic, tyrant; infidel, or usurper, for the first offence with forfeiture and imprisonment during pleasure, and for the third with the pains of high treason.

The war against Scotland, begun with little justice, and conducted with no humanity, is better related by the historians of Scotland than it could be in a summary of English history. The confusions and revolts of this and of the last reign in Ireland, where the reformation made no progress, and had no other effect than that of widening the ancient breach between the two races, will also soon employ the brilliant pen of a patriotic historian. The government of England, intent on their grand object of completing the reformation at home, withdrew themselves from that officious intrusion into continental policy to which the restless spirit of Henry VIII. from time to time prompted him. During Edward's reign England can scarcely be said to have been a member of the European confederacy.

The protestant portion of Europe did not, like the catholic world, compose one religious community: strictly speaking, it was divided into as many churches as it contained states. Lutheranism prevailed in Germany, and had exercised sole dominion in the northern kingdoms. Calvinism, proceeding from a Frenchman, found repose and safety in Switzerland, whence it agitated France, and made considerable acquisitions in Germany. Both unanimously received the Scripture as the only infallible authority: they agreed in great reverence for the decrees of the first four general councils, if not as a standard of orthodoxy, yet as a guide of high authority in the interpretation of the New Testament. None of them could explicitly deny the weight of general tradition, and of very ancient usage. By the constant discussion of the opinions and practice of former ages, they

implicitly allowed their value as evidence worthy of consideration, though varying according to their distance from the sacred source: they unanimously rejected the infallibility of the see of Rome, which some zealots began to represent as antichrist, while a few individuals among the more learned and moderate were privately less unwilling than they could venture to avow, to submit to a limited supremacy in that ancient patriarchate as a preservative of ecclesiastical order and peace.

Each of the reformed churches left undetermined the momentous question which their separation from Rome had brought into discussion, respecting the competent judge in cases of a disputed interpretation of Holy Writ. Wherever the church was reformed by the government, as in all Lutheran and in most Calvinistic countries, as well as in England, the received opinion was that this authority belonged to the civil lawgivers of each country; a doctrine which, if understood of the belief, the feelings, and the worship of religion, entirely overthrows its nature, but, if limited to its legal endowments and privileges, is no more than an identical proposition. All these churches agreed in the grosser departure from their own principles, which led them to punish even with death a dissent from the creeds which they, by their dissent from human authority, had built on the ruins of a system adopted by all nations for many ages: they acted as if they were infallible, though they waged war against that proud word. In order to escape the visible necessity of granting that liberty of private judgment to all mankind, which could alone justify their own assaults on popes and councils, they in effect vested a despotic power over the utterance of religious doctrines in lay sovereigns, who had not even the recommendation of professing to know the subject in dispute.

The Lutherans adopted a poor and limited episcopacy. The Calvinists established a perfect equality among the ministers of religion, holding that the term which we render *bishop* meant no more than that which we dis-

tinguish in our versions as *presbyter*. The church of England, by the preservation of the revenues of most of the bishoprics, and by releasing the prelates from their subjection to the court of Rome, exalted in many respects the dignity, and strengthened the influence, of the episcopal order. The doctrines of absolute decrees and irresistible grace, abandoned if not by Luther at least by the Lutherans, but to this day rigorously maintained by all who call themselves Calvinists, were in some measure adopted by the English church, but in terms studiously inoffensive, and accompanied by warnings, which, instead of being blamed as at variance with the dogma to which they are subjoined, ought rather to be commended for the solicitude which they breathe to guard the affections of the heart and the rule of human life against the dangerous influence of abstruse and dark speculations. On the disputes respecting the sacrament, then the most popular, and accounted the most important of all, the Anglican church approached more to the opinion, or (perhaps we ought to call it) the phraseology, of Calvin, than to that of any other leader in reformation.

Among civil occurrences one took place in the second session of parliament during this reign, which too evidently showed how thoroughly the protector was trained in the lawless and unnatural practices of Henry VIII. Sir Thomas Seymour, lord Sudeley and admiral of England, was a brave soldier, a stately and magnificent courtier, more acceptable to the nobility than to the people; open, passionate, ambitious, and had none of that reputation which belonged to his brother the protector, as the founder of the English reformation. He paid court to Catherine Parr while she was lady Latimer, and would have been successful if he had not been supplanted by Henry. Scarcely had that monarch breathed his last* when Seymour secretly espoused Catherine, said to have

* "You married the late queen so soon after the late king's death, that if she had conceived straight after, it would have been a doubt whether the child was the king's or yours; — to the peril of the succession."
An accusation is perhaps sufficient proof of a date.
Burn. App. to book 1. No. xxxi.

been induced to take that measure by a letter from Edward, which if real could only have been a promise of pardon. By this marriage he acquired some part of the great fortune which the fondness of Henry had suffered her to accumulate. The jealousy of power appears to have early existed between the two brothers: they were embittered by a jealousy of rank, which sprung up between their wives. Catherine Parr retained her regal station as queen-dowager; Anne Stanhope, the lady of Somerset, the second wife of the protector, who is charged with intolerable pride and violence, could not brook the superiority allowed by all others to the modest Catherine, but, as the spouse of the first person in the realm, claimed the rank of the first female. The death of Catherine in September, 1547, followed her marriage so soon as to occasion rumours that it was not left to nature. Lord Sudeley was then suspected of seeking the hand of the princess Elizabeth, though then only in the fourteenth year of her age. Seymour seems pretty certainly to have taken measures for forming a party against his brother, to have excited the nobility against him, to have meditated the seduction of the young king from the protector's custody, to have aimed at the custody of the boy's person for himself, and at sharing the authority which he thought the elder brother ought not to monopolise.* These projects were very likely to end in treason; but there is no appearance that they reached the mature state in which they constituted that offence: he appears to have treated the whole matter with considerable levity.† It soon, however, assumed a serious aspect. On the 25th of February, 1548–9, a bill was read a first time to attaint him of high treason; on the 26th it was read a second time; on the 27th it was passed unanimously. The presence of his brother the duke of Somerset at the head of the lords during the three days is a circumstance which resembles, and, indeed, surpasses, the conduct of

* See Burnet above, &c.

† "The lord admiral's answer to three of the articles."—*Burnet.*

the judges of Anne Boleyn. Seymour was at the time a prisoner in the Tower; no man proposed to send for him; he was not heard in his own defence: no witnesses were examined against him in parliament. The lords could only rest their bill upon the assurance of his brother, and of other members of the council, that lord Sudely was guilty. He had demanded in vain that he should be openly tried and confronted with his accusers; the house of commons paused at this demand: but their hesitation to condemn an unheard man in his absence was easily overruled.

On Monday the 4th of March, the master of the rolls brought down a message from the throne, assuring the house that "it was not necessary for the admiral to appear before them; but, if they thought it essential, some lords should come to them to confirm their evidence." Even this was deemed superfluous. The impression of the message was such that the bill was passed on the 4th, brought back to the lords on the 5th, and it received the royal assent with the other bills of the session on the 14th of March, the last day of it. On the 17th the warrant for his execution was issued with his brother's name at the head of the subscribers. On the 20th he was beheaded on Tower Hill, where he solemnly repeated his frequent disavowal of treasonable purposes against the king or kingdom.

Though the new liturgy was as moderate and comprehensive as was consistent with the sincerity of the protestant clergy who framed it, yet it is impossible for men of one communion to weigh the scruples of those of a different persuasion. No man's conscience can act for that of any other. Still less is it conceivable that one party should impartially allow for all the prejudices and antipathies of their old opponents. A change in the form of public worship was sufficient of itself to offend the simple peasants of remote provinces, especially when these religious solemnities were their chief occasions of intercourse, and the only festivals which diversified their lives. The substitution of a simple and grave worship

for a ceremonial full of magnificence, could be grateful only to the eyes of hearty reformers. "The country people loved those shows, processions, and assemblies, as things of diversion*," against which the zeal of the reformers was peculiarly pointed. The most conspicuous, if not the most efficient, cause of the commotions which followed, was the religious feelings to which we have adverted more than once.

It cannot be doubted, however, that other agents contributed to these and to most other disorders and revolts of the sixteenth century. The enclosure and appropriation of common fields, from the produce of which the poorer classes had derived a part of their subsistence, was now hastened by the profits to be gained by the proprietors from wool, the raw material of the growing manufactures of the realm. A new impulse was, perhaps, too suddenly given to this economical revolution by the grantors of abbey lands, who were in general rich and intelligent. The people (the learned as well as the illiterate) were profoundly ignorant of the truth, that increase of produce must be finally beneficial to all classes of men. They were equally unacquainted with that influx of the precious metals from America, which enhanced the money price of commodities in general before it had caused a proportional rise in the wages of labour. The depreciation of money in England, by the wretched debasements of the coin to which Henry had so often recurred, had powerfully, though secretly, disturbed every interest in the community. The wages of labourers were paid in a debased coin, when it required a greater quantity of gold and silver in their unalloyed state to purchase the necessaries of life. All these and many like agencies were now at work, the nature of which was as unknown as the laws which regulate the planetary system.

The protector, who courted the people, and to whom their discontent was at least painful, endeavoured to appease the prevalent dissatisfaction by issuing a proclamation against enclosures, which enjoined the landholders

* Burnet, 1548.

to break up their parks. In general they disregarded this illegal injunction. The labourers accepted it as their warrant for the demolition of enclosures. Risings occurred in Wiltshire, Oxfordshire, and Gloucestershire, which were speedily, but not without bloodshed, quelled. Disorders in Hampshire, Sussex, and Kent were more easily composed. But the rapid diffusion of these alarming revolts indicated the prevalence of a dangerous distemper. Fears were entertained of a general insurrection of the commonalty. In so feverish and irritable a temper of the nation, there were not wanting causes which brought the religious passions into contact with the distress of the people, and melted them together into a mass of disaffection. The rapacity of the new owners of abbey lands was contrasted with the indulgence of the monks, often the most lenient of landlords, because they lived with the people, because the share of advantage allotted to each individual was so small, and because a clergy without families had few calls upon their purse.

On the 10th of June, 1549, a formidable insurrection broke out in Cornwall, under a gentleman of ancient and noble lineage, Humphrey Arundel, governor of St. Michael's Mount. The insurgents amounted to 10,000 men. They were animated by tales of the succession of the princess Mary. Their revolt was first directed against enclosures; but a zealous clergyman found no difficulty in blending the catholic cause with the injustice of the intrusive landholders. They demanded the restoration of the mass, of abbey lands, and of the law of the six articles, together with the recall of cardinal Pole from exile. Lord Russell, who commanded the royal troops, found means to retard the advance of the rebels by negotiation, until he was reinforced, not only by an English force, but by bodies of mercenary veterans from Germany and Italy. Exeter held out against the insurgents. On the 6th of August, Russell raised the siege, and pursued the revolters to Launceston, where they were utterly routed. Severe military execution was inflicted in the country:

Arundel and the mayor of Bodmin, with some other leaders, were tried and executed in London; a Roman catholic priest at Exeter was hanged from his own tower, in his sacerdotal vestments, and with the beads which he used in prayer hung from his girdle.

The flame which was thus extinguished in the west broke out with new violence in Norfolk. In that county the general disaffection assumed the form of a war against the gentry, who were most heavily loaded with charges of oppressing farmers and labourers. In July, 1549, Ket, a tanner, but also a considerable landholder, encamped on Mousewold Hill, near Norwich, with an army of 20,000 men. He repulsed the marquis of Northampton in an assault on the city, in which lord Sheffield was killed. The protector was obliged to recall troops from Scotland, under Dudley earl of Warwick, who would not have been intrusted with such an occasion of gaining reputation and followers, if Ket had not rendered extreme measures necessary. The earl, on his arrival, forced his way into Norwich, and kept his ground there, till Ket, compelled by famine, abandoned his encampment, and with it the command of the city. On the 27th of August he was defeated by Warwick. Two thousand insurgents perished in the action and pursuit; the remainder, hastily throwing up rude defences of waggons and stakes, refused a pardon, which they naturally distrusted. Warwick, however, at last persuaded these brave men to surrender. He kept his word more faithfully than is usually practised on such occasions. Ket was hanged on Norwich castle, his brother on Windham steeple, and nine others on "the branches of the oak of reformation," under which Ket was wont to sit on Mousewold Hill, with a sort of imitation of royalty, to administer grace and justice. He had, indeed, assumed the title of king of Norfolk and Suffolk. On the 24th of July, 1549, the first commissions were issued for lord lieutenants of counties; a species of civil governors and commanders of the armed

men of whom the late confusions occasioned the appointment.*

During this season of confusion the advocates of rigour loudly cried against the feebleness of the duke of Somerset, who dreaded unpopularity too much to be capable of executing justice. To this infirmity they imputed the repetition and prolongation of the revolts, which might have been quickly extinguished if the peasantry had not been tempted into them by an almost total impunity of the early rebels. He professed to think "it not safe to hold such a strict hand over the commons, and to press them down and keep them in slavery." But if he pursued the favour of the people rather than their well-being, he soon found, when the hour of peril came, that their favour stood him in little stead. The catholic priesthood, who detested him, still retained a mighty influence, especially over the distant provinces. He retained popularity enough to render him odious to the old nobility. The employment of foreign troops in quelling the insurrection was unacceptable. His last usurpation of the protectorship dwelt in the minds of many besides his competitors. He began the erection of Somerset-house, his palace in the Strand, on a scale of invidious magnificence. Architects were brought from Italy to construct it, and professors of other fine arts to adorn it. It was said to be raised out of bishops' houses and churches, of which the surrender was extorted from the owners by dread of his displeasure. The demolition of the parish church of St. Mary, to leave a wider space for the basis of this ostentatious structure, was considered as an offensive symptom of disregard to religion and to the people. These extortions were not deemed the less flagrant acts of rapine for being formally sanctioned by a minor king, who was in the hands of the protector. Like many other candidates for the applause of the multitude, he was arrogant and negligent towards his equals. To every cry, to every insinuation

* Strype, Eccl. Mem. vol. ii. c. 21. The office of custos rotulorum, now usually joined to that of lord lieutenant, was an old office regulated by a statute of Henry VIII.

against him was added the formidable question, "What friendship could be expected from a man who had no pity on his own brother?"

A question, whether peace ought to be made with France and Scotland, produced considerable differences of opinion in the king's council. The protector and his friends contended that the object of the Scottish war, which was the marriage of Edward to the Scottish queen, no longer existed, since the arrival of that young princess in France; and that Boulogne, which the treaty required to be soon restored, should be immediately surrendered on payment of an adequate sum: a negotiation which might happily end in a coalition of France and England to save the German protestants from ruin. Somerset disappointed his opponents, by giving up his own better opinion for unanimity; but the dispute had already served its most important purpose, by keeping out of view the motives and projects of personal ambition which aimed at the overthrow of the proud protector. Lord Southampton, the son of the late catholic chancellor Wriothesley, inherited his father's resentment against the protestant protector. Dudley earl of Warwick was the soul of the confederacy against him. He was supposed to have really earned in the Scottish war the laurels which were borne away by Somerset, under whose command he served; and his success in quelling the insurrection contributed to strengthen that opinion of his military desert.

In the month of September, 1549, when the protector in his private correspondence speaks with complacence of his success in extinguishing the revolts, the plot for his overthrow was matured *, the discontented lords gradually withdrew from the court, and resorted with bodies of armed retainers to London: they and their followers paraded the streets in martial array. Sir William Paulet, the treasurer, "by his policy" (which probably con-

* Somerset to sir P. Hobby, minister at the Imperial Court, 24th August, 1549. Burnet's Collection of Records, No. xxxvi. "The people concerned in the revolts," says he, "were without head and rule, that would have they wot not what."

sisted in the seasonable use of money) obtained for them the peaceable possession of the Tower.* As soon as the protector learnt this intelligence, on the 6th of October, 1549, he carried the king with him from Hampton-court to Windsor, where he began to strengthen the castle, and wrote circular letters to his friends, requiring them to repair thither with all their force for the defence of the king. The answer of lord Russell, the privy seal†, on the 8th, was, that he should be ready to guard the king, to defend the kingdom against foreign invasion, and to stay bloodshed between factions; but that he could take no part in the personal quarrels of the protector with the counsellors. Both parties collected their armed adherents. On the 7th, sir William Petre, secretary of state, was sent from Windsor to London to ascertain the demands of the seceding lords, and to desire assistance from the city of London; but these attempts were fruitless; Petre remained with the lords, who were now joined by nearly all the surviving executors: numerous bodies of troops flocked to them; and the palace at Windsor was, as usual, left a solitude by the inconstant courtiers. Sir Philip Hobby, who was despatched to Windsor with the answer of the lords, urged their request so effectually, that on the 13th of October the vast powers of Somerset were withdrawn from him, and on the next day he was brought prisoner to the Tower under an escort of 300 men. Articles were prepared against him, which, from their extreme vagueness, cannot be considered as a judicial charge, but must be regarded either as a popular manifesto, or at best as the materials of an address for his removal from power. On the 28th of October, the great office of lord high admiral was conferred on his formidable and mortal enemy the earl of Warwick‡; and, after many examinations, in the month of February following he was enlarged, on the payment of a fine and

* Holinshed, iii. 1014.
† He was created earl of Bedford on the 19th of January, 1550.
‡ Rymer, xv. 194.

ransom, amounting to 2000*l.* per annum in land, all his personal goods, besides the forfeiture of his offices. These transactions were afterwards confirmed by act of parliament.* Hitherto the circumstances which attended this great nobleman's fall from power do not exceed the usual accompaniments of a violent change of administration in the sixteenth century.

Warwick, who was by no very slow degrees attracting to himself all the powers of government, hastened to assure the nation that the protestant interest would suffer nothing by the protector's removal. The earl of Southampton, the stay of the catholics, was obliged to leave the court; and the bishops were apprised by circular letters of the king's determination† to carry on the reformation. These measures were, however, rather the result of Warwick's position than of his inclination: he declared at his death that he had always been a catholic; and the most zealous protestants bewailed the fall of Somerset as dangerous to their cause.

Warwick, now the undisputed chief of the government, allowed Somerset to resume his seat in council on the 8th of April, 1550; and lord Lisle, the eldest son of Warwick, was married on the 3d of June to Somerset's daughter. But under a fair surface of friendship the sores of fear and anger still rankled. Somerset could not persuade himself that he could be safe without power. Warwick apprehended continual attempts on the part of Somerset to recover the protectorship. Somerset assembled armed retainers in circumstances where it was very difficult to separate defence from offence. On the 17th of October, 1551, the duke and duchess of Somerset, with many of their friends, were committed to the Tower; and on the 1st of December following the duke was brought to trial before the high steward and lords triers for high treason, as conspiring to seize the king, and for felony under the riot act of the preceding session,

* Very improperly omitted in the authentic edition of the statutes, as a private act.

† Privy council to the bishops, 25th December, 1549. Burnet, Coll. Records, book i.

in assembling to imprison the earl of Warwick, a privy counsellor, who had since been raised to the dignity of duke of Northumberland. The lords unanimously acquitted him of the treason *: they convicted him of the felony; a verdict of which the strict legality may be questioned; for though the tenth section of the statute † makes it felony to stir up rebellious assemblies, yet that enactment is qualified by restricting it to cases where there is "an intention to do any of the things above mentioned." Now, this refers to the treasons created by this act, of all which the duke was acquitted; and it is an essential condition of the felony that the unlawful assemblies shall continue their meetings after they have been legally commanded to disperse. In this case no such command or disobedience was pretended. This objection, however, is technical. It is probably true that the duke of Somerset meditated a revolution as violent as that by which he had been deposed: his principal anxiety was to vindicate himself from the charge of plotting the death of Northumberland and his colleagues. After his condemnation, the axe not being carried naked before him as he left Westminster Hall, the people, who hailed this circumstance as a proof of his acquittal, expressed their joy by loud acclamations. "On the 22d of January, 1552," says the diary of his royal nephew, "he had his head cut off upon Tower Hill between eight and nine o'clock in the morning." ‡

We learn from those on whom the protector had fewer claims, that the particulars of the death thus shortly and coolly mentioned were not uninteresting. A false alarm had thrown the spectators of the execution into confusion; some of them fell into ditches, or were otherwise hurt. Amidst their apprehensions, they, observing sir Antony Brown riding up to the scaffold, conjectured, what was not true, but which they all wished to be true,

* State Trials, i. 518, 519., where the whole record is to be found. See also an account of the trial by Edward VI. to Barnaby Fitzpatrick, Fuller, 409.

† 2 & 3 Edw. 6. c. 5.

‡ Journal of Edw. VI. in Burnet.

that the king had sent a pardon for his uncle; and, with great rejoicing and casting up their caps, they cried out, "Pardon — pardon is come, God save the king!" The duke showed some emotion; but his deportment in death, and his address to the bystanders, of whom many were deeply affected, were signalised by firmness and dignity.

The parliament, which met on the day after the execution of the duke of Somerset, betrayed some sense of the unjust mode of proceeding against him, by reforming at that moment one of the most grievous abuses in the criminal law. A bill was passed to make it high treason to call the king or his successors under Henry's act of settlement, usurpers, heretics, or schismatics*, into which a clause was introduced of greater moment than the bill itself, providing that no persons shall be convicted of these or other treasons, unless he be accused by two lawful witnesses, who if alive shall be confronted with him on his trial. In spite of this provision, the barbarous iniquity of former times continued to be practised long after it was thus forbidden by law.

The policy adopted in the reign of Edward respecting dissent from the established church deserves some consideration. The toleration of heresy was deemed by men of all persuasions to be as unreasonable as it would now be thought to propose the impunity of murder. The open exercise of any worship except that established by law was considered as a mutinous disregard of lawful authority, in which perseverance was accounted a very culpable contumacy. In considering the harsh proceedings against those prelates who refused to give the security required by law of their attachment to the protestant church, it must be allowed that the legislature, which had the power to change the civil establishment of religion, is justified in employing moderate means of securing the church, of which the exclusion of Roman catholics from the dignities of the protestant church cannot be denied to be in itself unexceptionable. A competent

* 5 & 6 Edw. 6. c. xi. p. 9. authentic edition.

and liberal allowance, however, towards those who lose their station without any fault, by a mere change of belief in their rulers, is even in this case an indispensable part of equitable policy. The simple deprivation, especially if attended with fair compensation, of Bonner and Gardiner, does not appear to be blamable. Gardiner, a man of extraordinary abilities, learning, and resolution, had been a pliant tool in Henry's negotiations for divorce. Many attempts were made to compel him to conform to the new system. Imprisonment, with very unwarrantable aggravations, was chiefly trusted to for subduing his haughty spirit. But he defended himself with spirit and address. It was easy to gain a personal advantage over some of his opponents, by quoting, in justification of his own opinions, their language in the time of the late king on the subject of the communion. The creed of the more reformed church on the real presence of Christ in the sacrament was couched in cloudy language, which the bishop could represent as favourable to his opinion. Some of the most zealous protestants had already controverted the Roman catholic system with a warmth which gave him specious pretexts for assailing them as Zuinglians and Sacramentaries; heretics whom the body of orthodox protestants, whether Lutherans, Calvinists, or Anglicans, held in especial abhorrence. Notwithstanding what his enemies called contumacy, they still shrunk from a conflict with a man of so much courage and resource. It was thought fit to make the first experiment on a meaner subject, Bonner, bishop of London, a canonist of note, believed to be of a fierce temper and prone to cruelty; a belief well justified by his subsequent deeds. A commission issued for the examination of the complaints against this prelate. The commissioners assembled at Lambeth on the 10th of September, 1549. He deported himself insolently, manifesting that he was one of those inferior spirits who need coarseness to whet the edge of their courage. He complained that he was not deprived by a tribunal proceeding according to the canon law. This jurisdiction, however, seemed to have

fallen with the ancient church. It was answered with great force as far as related to Bonner, that he had waved such objections when he consented to receive his bishopric from the king by letters patent. Sentence of deprivation was pronounced against him on the 4th of October, and, on the bad ground of his indecorum at the trial, he was sent to the Marshalsea, where he continued a prisoner till the king's death. Gardiner was brought to trial before the commissioners on the 14th of December, 1550. He made so many concessions, that in what remained he seems to have rather consulted pride than conscience; unless we may suspect that he was influenced by a desire not to take a decisive part on the contested points, until he could better foresee the issue of very uncertain revolutions. He too suffered a very rigorous imprisonment; an aggravation which cannot be too much condemned in a case which was extenuated by the partial influence or even the specious colour of conscience.

The treatment of the princess Mary was still more odious, if it be considered as the conduct of a brother towards a sister, or if it be tried by the standard of religious liberty in modern times. But the first would be a false point of view, and the second too severe a test. Somerset and Northumberland, who were the successive masters of the king and kingdom, saw the immense advantage to accrue to the protestant cause from the conversion of the presumptive heir to the throne. The feeble infancy of Edward was the only protection of the reformation against a princess already suspected of bigotry, and who had grievous wrongs to revenge. Her conversion was therefore the highest object of policy. Justice requires this circumstance to be borne in mind in a case where every generous feeling rises up in arms against the mere politician, and prompts us warmly to applaud the steady resistance of the wronged princess.

There is no known instance in family history, in which a brother and his two sisters appeared to be doomed to be each other's enemies by a destiny insepar-

able from their birth, so extraordinary as that of Edward and the two princesses Mary and Elizabeth. The legitimacy of Mary necessarily rendered Elizabeth illegitimate. The innocence of Anne Boleyn threw a deep shade over the nuptials of which Edward was the sole offspring. One statute had declared Mary to be illegitimate, for the sake of settling the crown on Elizabeth. The latter princess was condemned to the same brand, to open the door for the nuptials with Edward's mother. Both were afterwards illegitimatised, as it might seem, to exalt the lawful superiority of their brother Edward. At his accession, Mary was in the thirty-second year of her age, Elizabeth in her fourteenth, and Edward in his ninth year. Mary was of an age to remember with bitterness the wrongs done to her innocent mother. Her few though faithful followers were adherents of the ancient religion; to which honour and affection, as well as their instruction and example, bound her. The friends, the teachers, the companions of Edward, were, in many instances, bound to the reformation by conscience. Many others had built their character and their greatness upon its establishment. The pretensions of young Elizabeth were somewhat more remote; but the daughter of Anne Boleyn was still dear to those zealous protestants who considered Anne (whether inviolably faithful to Henry or not) as having died for her favour to the protestant cause. The guardians of the young king deserve commendation for the decorum which they caused him to observe towards both his sisters, though he did not conceal his affection for Elizabeth, whom he used fondly to call "sweet sister Temperance." His mild temper and gentle nature made the task of the guardians, as far as regarded him, easy. Neither of the ladies were likely to give equal help to those who laboured to keep peace between them.

When the injunctions of 1549 had directed the discontinuance of the mass, and commanded the liturgy to be used in its stead, the emperor's ambassador had interposed to procure an exemption by letters patent for the lady

Mary from this rigorous prohibition.* She probably experienced some connivance, though this formal licence was refused. But, in the autumn following, intelligence was received of designs formed by the English exiles to carry her to the Netherlands; in consequence of which, she was desired to repair to her brother's court. She declined coming nearer to London than Hunsdon; reasonably enough disliking the close observation and malicious scrutiny of her enemies. On the 15th of December, Dr. Mallet, her principal chaplain, was committed to the Tower for solemnising mass at her residence, but when she was absent, and before some who were not members of her household.† The mention of these circumstances seems to show that in practice, though not by law, a connivance with her family worship had arisen, from an understanding with the imperial ministers. The most ungracious act of the government was to employ the tongue and pen of her brother in attacks on her religious opinions.‡

On the 18th of March §, 1551, she had an interview with the council, in the presence of Edward. She was told that "the king had long suffered her mass, in hope of her reconciliation; and there being now no hope, which he perceived by her letters, except he saw some speedy amendment he could not bear it." She answered well, that "her soul was God's; and her faith she would not change nor dissemble." She was answered somewhat evasively, "The king does not constrain your faith; but willed you, not as a king to rule, but as a subject to obey." The emperor's minister hinted at war, if his master's cousin were thus treated with discourtesy. Cranmer and his friends allowed "that it was a sin to license sin; but they thought that to wink at it for a time might be borne, if haste were used to get rid of it." Edward thought their casuistry lax, and on their principles he was right. Soon after, twenty-four privy-

* Edward's Journ., 19th April, 1549, in Burnet.
† Ibid., 13th July, and 14th of August.
‡ Ibid., 15th December.
§ Ibid. 18th March.

counsellors, who were assembled at Richmond to consider the case, determined that it was not meet to suffer the practices of the lady Mary any longer. It should seem, however, from the instructions to Wotton, the minister at the imperial court, that there was a disposition in the administration to spare Mary, though they could not avowedly dispense with the laws. In that temper they probably continued; but with a fluctuation between the politicians who dreaded a rupture with the emperor, and the protestant zealots who still more dreaded a toleration of the Roman catholic worship: a state of things very mortifying and precarious; which exposed the princess to be frequently vexed and harassed on points where she required the most secure quiet.

But, on the whole, the reign of Edward VI. was the most pure from religious persecution of any administration of the same length, in any great country of Europe, since christendom was divided between catholics and protestants. "Edward*," says a catholic writer, "did not shed blood on that account. No sanguinary, but only penal, laws were executed on those who stood off." As long as both parties considered it their duty to convert or exterminate their antagonists, a peace between them was impossible. Whatever glimpses of insecure truce occurred were due to the humanity or policy of individual sovereigns, or of their ministers. In the present case, the suspension of arms may be attributed to the humane temper of Cranmer, in a greater measure than to any other circumstance. It is praise enough for young Edward, that his gentleness, as well as his docility, disposed him not to shed blood. The fact, however, that the blood of no Roman catholic was spilt on account of religion, in Edward's reign, is indisputable. The protestant church of England did not strike the first blow. If this proceeded from the virtue of the counsellers of Edward, we must allow it to outweigh their faults. If it followed from their fortune, they ought to have been envied by their antagonists.

* Dod, i. 360.

This great commendation, however, must be restricted to the war between the two bodies which shared Europe. Other small and obscure communities, holding opinions equally obnoxious to the great communions, were excluded from the truce. A distinction was devised between the essential and unessential parts of christianity, by means of which all the supposed errors comprehended under the first denomination might be treated with the severity of the ancient laws against heresy. No statute or canon had established this distinction *, yet it slowly grew out of opinion and usage. It was then a great advance towards religious liberty; for it withdrew the greater number of christians from the reach of the persecutor's sword. At a far later period, persecutors, when driven from their strongholds, have sometimes fallen back on the same distinction as a tenable port; where, if they could not maintain themselves permanently, their retreat would be at least covered. In Edward's reign, the doctrine that only the denial of the essentials of christianity could lawfully be punished with death, was a station in the retreat from more wide-wasting evil. A century later it became a position, from which the advance towards good might be impeded and retarded.

The most remarkable instances of these deviations from humanity were those of fugitives from the Netherlands, who held many unpopular and odious opinions. Before the time of Luther there were small sects in the Low Countries †, who combined a denial of the divinity of Christ, whose divine mission they revered, with a disbelief in the validity of infant baptism, and joined the rejection of oaths with the non-resistance adopted afterwards by the quakers; proceeding, however, farther than that respectable persuasion, by denying the lawful-

* It is, however, to be observed, that the third article of the Reformatio Legum Ecclesiasticarum does in effect recognise the distinction, and perhaps goes farther, by confining the punishment of death to apostates, and such as opposed christianity in general.

† See the account of the Mennonites and of the Family of Love in Mosheim.

ness of magistracy, the obedience to human laws, and the legitimacy of separate property. Their early history is buried in obscurity. The reformation gave them a shock which roused them from lethargy. They were involved in the same sufferings with the Lutherans and Calvinists. Many of them took refuge in England, where a small number of the natives imbibed some portion of their doctrines. In April, 1549, commissions were issued to Cranmer "to enquire into heretical pravity*," being nearly the same words by which the power of the court of inquisition is described. Champneys, a priest at Stratford on the Bow, being brought before the commissioners on some of the lighter of these charges, confessed and recanted them. Ashton, a priest, who maintained that "Christ was not God, but brought men to the knowledge of the true God," escaped in the same manner. Thumb, a butcher, and Putton, a tanner, went through the like process. These feeble heresies seem indeed to have prevailed almost solely among the inferior class. Joan Becher, commonly called Joan of Kent, a zealous protestant, who had privately imported Lutheran books for the ladies of the court in Henry's reign, had now adopted a doctrine, or a set of words, which brought her to be tried before the commissioners for heresy. As her assertions are utterly unintelligible, the only mode of fully displaying the unspeakable injustice of her sentence is to quote the very words in which she vainly struggled to convey a meaning: "she denied that Christ was truly incarnate of the Virgin, whose flesh being sinful he could take none of it, but the word, by the consent of the inward man in the virgin, took flesh of her." The execution was delayed for a year by the compassionate scruples of Edward, who refused to sign it. It must be owned with regret, that his conscientious hesitation was borne down by the authority and importunity of Cranmer, though the reasons of that prelate rather silenced than satisfied the boy, who, as he set his hand to the war-

* Rymer, xv. 181.

rant, said, with tears in his eyes, to the archbishop, "If I do wrong, since it was in submission to your authority, you must answer for it to God." It was not till the 2d of May, 1550, that this unfortunate woman was burnt to death. On the 24th of May, 1551, Von Panis, an eminent surgeon in London, of Dutch extraction, having refused to purchase life by recanting his heresy, which consisted in denying the divine nature of Christ, was burnt to death.

Opinions subversive of human society having been avowed by some of the accumulation of sects in Lower Germany, who were called Anabaptists, a strong prejudice against that sect, whose distinguishing tenet is perfectly consistent with social order, had a part in these lamentable executions. The founders of the Anglican church were solicitous to clear their establishment from the odium of suffering such attacks to be made on the fundamental doctrines of Christianity, and they considered all who were desirous to carry change farther as impediments to the completion, and enemies to the safety, of the reformation.

Of the forty-two articles of belief promulgated in this reign, the principal propositions omitted under Elizabeth were, a condemnation of those who asserted that the resurrection was already past, or that souls sleep from death to the last judgment, as well as of those who maintain the final salvation of all men, or the reign of the Messiah for a thousand years, which last opinion the forty-first article styles "The fable of the millenaries, a Jewish dotage." The doctrine of the presence of Christ in the communion was expressed in terms more unfavourable to the church of Rome than those chosen by Elizabeth's divines.

In consequence of the changes introduced by the reformation, it became necessary to reform the ecclesiastical laws. The canon law, consisting of constitutions of popes, decrees of councils, and records of usages (many of which have been long universally acknowledged to be frauds), was the received code of the courts termed

spiritual, in every country of Europe. The appeals, allowed by every country, to Rome preserved a consistency of decision and unity of legislation. But the whole system of canon law was so interwoven with papal authority, and so favourable to the most extravagant pretensions of the Roman see, as to become incapable of execution in a protestant country. An act had been accordingly passed in 1549*, providing that "the king shall have full power to nominate sixteen ecclesiastics, of whom four to be bishops, and sixteen laymen, of whom four to be lawyers, to order and compile such laws ecclesiastical as shall be thought convenient." A work was accordingly composed for this purpose by Cranmer, and translated into Latin with a happy imitation of the clear method and elegant brevity of the Roman jurists by sir John Cheke and Dr. Haddon, two of the restorers of classical literature in England. This work was not prepared for the royal confirmation before the close of Edward's reign. The greater part being strictly theological, or relating to the order of proceedings in courts, is beyond our present province. The articles on marriage relate to questions of very difficult solution, and affect the civil rights of all men, as well as the highest of all the moral interests of society. The book, not having received the royal confirmation, is not indeed law, but it is of great authority, and conveys the opinions of our first reformers on problems, which the law of England has not yet solved. A very brief summary of the chapter on divorce may therefore be proper.

By the tenth title, divorce was allowed for adultery, and the unoffending party was suffered to marry; but the sentence of a court was declared to be necessary to the dissolution. Desertion, long absence, mortal enmities, the lasting fierceness† of a husband to his wife, were adjudged to be lawful grounds of divorce. Separation from bed and board was abolished, being superseded by the extension of divorce. It is impossible to reconcile these enactments with the avowed opinions of

* 3 & 4. Edw. 6. c. 11. † Sævitia.

its authors, without believing that they considered the answers of Christ in the Gospel, on divorce for adultery, as confined to the national legislation of the Jews, and not intended to have legal force in other countries.*

These dispositions of the proposed code were probably occasioned by the case of Parr, marquis of Northampton, who had divorced his wife, Anne Boucher, for adultery, in the ecclesiastical court; which divorce, however, had no certain and immediate effect beyond that of a legal separation from bed and board. A commission was appointed to enquire whether, by a divorce on this ground, he was not so divorced from lady Anne that no divine law prohibited his marriage. He was too impatient to wait for the issue of their researches, and married Elizabeth Brooke, daughter to lord Cobham. The protestant canonists, to whose judgment the case of Northampton was referred, made answer to the queries put to them, "that the band of wedlock being broken by the mere fact of infidelity, the second marriage was lawful." The parliament of 1551 confirmed this answer, by declaring the marriage of Northampton with Elizabeth Brooke to be valid; but, as this statute was repealed by a law passed in the following reign†, nothing is left of these proceedings but the advised and lasting belief of Cranmer and his associates in reformation that a more extensive liberty of divorce ought to be allowed.

The law of England is now, in its letter and theory, conformable to the ancient principle of the Roman catholic church, which regarded marriage as indissoluble. It was not till a century and a half afterwards that a practice gradually crept in of dissolving marriage for infidelity, by acts of parliament specially passed for each separate case—a rude and most inconvenient expedient, which subjects proceedings which ought to be judicial to the temper of numerous and open assemblies, while, by its expense, it excludes the vast majority of men from the relief which, by long usage, it may be consi-

* Reformatio Legum Ecclesiasticarum, 1571.

† Private act, 5 & 6 Edw. 6. not printed in the authentic or common collections of statutes.

dered as permanently holding out to suitors who are not themselves uncommonly faulty. The reader needs not to be reminded that whatever requires an act of legislature to legalise must in its nature be illegal.

It must be admitted, that the intrinsic difficulties of the subject are exceedingly great. The dangerous extremes are, absolute and universal indissolubility, which has been found to be productive of a general connivance at infidelity, and, consequently, of a general dissolution of manners on the one hand, and on the other, of a considerable facility of divorce in cases very difficult to be defined—a practice, to say nothing of other evil consequences, which would be at variance with the institution of marriage, intended chiefly to protect children from the inconstancy of parents, and next to guard women against the inconstancy of husbands, who, if divorce were procurable for any but clearly defined and most satisfactorily proved facts, would be enabled, as soon as they were tired of their wives, to make the situation of the helpless female so uneasy that they must consent to divorce. To make the dissolution of marriage in the proper case alike accessible to all, is one of the objects to which, in great cities and in highly civilised countries, it is hardest to point out a safe road.

The duke of Northumberland ruled the kingdom with absolute authority, by means of the privy council, with the title of Admiral and Earl Marshal; but the health of Edward began to occasion serious apprehensions. His constitution, originally weak and puny, was so much injured by measles and small pox*, that he was visited by a disorder in the lungs, which, in spite of the numerous improvements in the art of medicine, continues to baffle the skill of the physician. Jerome Cardan, an Italian physician of great ability and knowledge, whose name is justly celebrated in the history of mathematical science, when on his return from Scotland, whither he had gone to cure the archbishop of St. Andrew's in 1552, was consulted in the case of Edward. This

* Edw. 6. Diary, 2d April. The diary ends in November.

physician was addicted to all the follies and frauds of magic and astrology. He believed in intercourse with the devil, yet he was charged by his enemies with atheism. He has left an account of his own life, in which he confessed himself to be guilty of many of the vices which men are generally most solicitous to conceal. His passion for paradox led him to compose a serious and earnest panegyric on Nero. He was unable to deliver Edward from his malady, but he ventured from that prince's horoscope to foretell that he was to have a long reign; and when the event would have silenced most men, he, with ready assurance, threw the blame on those who supplied him with the particulars of the king's birth.* We are indebted to him for a character of his royal patient, which, notwithstanding the perverseness and obliquity of the writer, derives some value from his abilities, especially as it was written when Edward had no longer the power to reward a panegyrist. "He knew Latin and French well, was not ignorant of Greek, Italian, and Spanish, and was not without a competent knowledge of logic, of physic, and of music. A boy of such genius and expectation was a prodigy in human affairs. I do not speak with rhetorical exaggeration, but rather speak under the truth." In the conversation of Cardan with the king, in Latin, which he spoke readily and elegantly, Edward put some astronomical questions, which Cardan evaded instead of confessing his ignorance; a circumstance which so acute a man was hardly likely to have invented to his own disparagement.

On the 1st of March, 1553, Northumberland assembled a parliament, after preparations which indicate the importance to which the house of commons had arisen, from the share which they had taken in the revolutions of church and state, in an age of conflicting titles and disputed successions. A circular letter was sent to the sheriffs, commanding them "to give notice to the freeholders, citizens, and burgesses, within their county, to nominate men of knowledge and experience," and "declar-

* Cardan, de Genituris, quoted in Burnet's Collections.

ing it to be the king's pleasure, that whenever the privy council shall recommend men of learning and wisdom, their directions be followed."* Fifteen knights were accordingly recommended, by name, to the sheriffs of Huntingdon, Suffolk, Bedford, Surrey, Cambridge, Bucks, Oxford, and Northampton. "These," says Strype, "were such as belonged to the court, and were in places of trust about the king." Such recommendations from the crown were continued occasionally for more than a century longer; but it must be owned that the exercise of influence at this time was neither immoderate nor clandestine.

In April, after the prorogation of parliament, Edward had been carried to Greenwich for his health. He returned in a somewhat amended state, and a gleam of hope seems to have cheered the public; but Northumberland did not relax his measures for aggrandising his own family, and for securing a protestant successor. If Henry VII. be considered as the stock of a new dynasty, it is clear that on mere principles of hereditary right, the crown would descend, first, to the issue of Henry VIII.; secondly, to those of Margaret Tudor, queen of Scots; thirdly, to those of Mary Tudor, queen of France. The title of Edward was on all principles equally undisputed; but Mary and Elizabeth might be considered as excluded by the sentence of nullity, which had been pronounced in the case of Catherine and in that of Anne Boleyn, both which sentences had been confirmed in parliament. They had been expressly pronounced to be illegitimate children. Their hereditary right of succession seemed thus to be taken away, and their pretensions rested solely on the conditional settlement of the crown on them, made by their father's will, in pursuance of authority granted to him by act of parliament. After Elizabeth, Henry had placed the descendants of Mary, queen of France, passing by the progeny of his eldest sister Margaret. Mary of France, by her second marriage with Charles Brandon, duke of Suffolk, had two daugh-

* Strype, Ecclesiastic. Mem. A.D. 1552.

ters,—lady Frances, who wedded Henry Grey, marquis of Dorset, created duke of Suffolk; and lady Elinor, who espoused Henry Clifford, earl of Cumberland. Henry afterwards settled the crown by his will on the *heirs* of these two ladies successively, passing over his nieces themselves in silence. Northumberland obtained the hand of lady Jane Grey, the eldest daughter of Grey duke of Suffolk, by lady Frances Brandon, for lord Guilford Dudley, the admiral's son. The marriage was solemnised in May, 1553, and the fatal right of succession claimed by the house of Suffolk devolved on the excellent and unfortunate lady Jane.

It was easy to practise on the religious sensibility of young Edward, whose heart was now softened by the progress of infirmity and the approach of death. It was scarcely necessary for Northumberland to remind him, gently and seasonably, that it was his duty not to confine his exertions for the interests of religion to the short and uncertain period of his own life; that he was bound to provide for the security of the protestant cause after he himself should be no more; and that without the most energetic measures for that purpose he must leave the reformers of the church and the faithful servants of the crown exposed to the revenge of those whom they had incensed by their loyalty and their religion. The zeal and rigour of Mary were well known, and their tremendous consequences could be prevented only by her exclusion. The princess Elizabeth, who had only a secondary claim, dependent on the death of her elder sister, had been declared illegitimate by parliament, and the will under which she must claim would be in effect deprived of all authority by the necessary exclusion of Mary. Mary queen of Scots, the grand-daughter of Margaret Tudor, was educated a catholic, and had espoused the dauphin. She was necessarily the irreconcilable enemy of the pure and reformed church, which Edward had been the providential instrument of establishing in England. If the will of Henry VIII. was valid, why should not Edward, in whose hands the royal preroga-

tives were as full and entire as in those of his father, supersede by a new will the arrangements of the former, and settle the crown in such a manner that it might continue to be the bulwark of the protestant faith? Only to the house of Suffolk it was possible to look for the maintenance of the reformation. Northumberland could not fail to remind the young king of the excellent qualities of his playmate and the companion of his studies, lady Jane Grey.

The religion of Elizabeth, a princess of the age of twenty, might not always prove unshaken amidst the importunities, flatteries, promises, and perhaps insinuations of danger which might be directed against her. She would be left an unconnected and defenceless female, without those trustworthy advisers who are engaged by personal attachment as well as public duty to support the throne. On the other hand, was the powerful house of Suffolk, with its experienced statesmen and veteran commanders, already in possession of the whole authority and force of the realm, in their hands the securities of the protestant religion would be entire, perfect, ready for instantaneous action. In those of all other claimants there was wanting either the will or the strength to protect the reformed faith. Northumberland might safely repeat his appeal to Edward's reliance on lady Jane Grey's steady adherence to her religion, arising from an intimate knowledge of her sincere piety, her undisturbed reason, and her firm though gentle disposition.

By these and the like reasons of policy, or topics of persuasion, was Edward induced to make a new testamentary disposal of the crown.

On the 11th of June, 1553, Montague, chief justice of the common pleas, and two judges of that court, were commanded to attend his majesty at Greenwich, and were there ordered by him to reduce his notes of an intended new settlement of the crown to the form of letters patent. He said "that he had considered the inconveniences of the measure, but thought them outweighed by the consideration that if he should decease

without an heir of his body, the realm and succession must go to the lady Mary, who might marry a stranger born, whereby the laws might be changed, and the proceedings in religion totally altered. Wherefore he directed them to draw up a settlement of the crown upon the lady Jane, the heiress of the house of Suffolk." The judges desired time to consider this alarming proposal. On the 12th, they were brought before the privy council, from which Northumberland was absent. They represented the danger of incurring the pains of treason, to which they, and indeed all the lords, would be liable by an attempt to set aside in this manner a settlement made under the authority of Parliament. Northumberland rushed into the council trembling with anger, and in a tone of fury, among other tokens of rage, called Montague a traitor, offering to fight in his shirt any man in this cause. On the 14th they were once more summoned to attend the council, where the king, "with sharp words and an angry countenance," reproved them for their contumacy. Montague represented that the instrument, if made, would be without effect, because the succession could not be altered without the authority of parliament which had established it. To which the king answered, "We mind to have a parliament shortly: we will do it, and afterwards ratify it by parliament."* The judges yielded after this promise.

Fifteen lords of the council, with nine judges, and other civil officers, subscribed a paper, promising to maintain the limitation of the succession as contained in his majesty's notes, which were delivered to the judges to clothe them with legal formality. Cranmer is at the head of the first, though, as he afterwards protested, unwillingly, and without being allowed to communicate with the king in private. Sir W. Cecil also denied that he signed it in any other character than as a witness. But the denial seems to have been postponed till it was no longer safe to withhold it.†

* Sir Edward Montague's narrative, in Fuller's Church History, book viii. in the beginning.

† The documents are printed in the Appendix to Strype's Cranmer, No. 164.; and in Burnet's Collection of Records to book iv. No. 10.

The most inexplicable circumstance in this transaction is, that, after so much care to influence the elections, a parliament should not have been called to perform the task of excluding a popish successor. At a time when all communions professed and practised intolerance, the exclusion of a successor of a hostile persuasion, believed to be of a persecuting temper, and likely to be under the influence of the Austrian princes, who already gave frightful samples of their disposition towards heretics, had such an exclusion been accomplished by the king in parliament, could only have been regarded as an act of indispensable self-defence. During the session of parliament, which closed on the 30th of March, the danger of the king was not thought so urgent as to require immediate precautions. In May* there was an apparent amendment in his health. A sudden disappearance of favourable symptoms compelled Northumberland to recur to measures of an illegal and violent description, which he might still hope that Edward would live long enough to legalise in parliament. Writs for a convocation of that assembly in September were issued about the time of the conferences with the judges.†

Henry II. took early measures to sound the court of England, the dispositions of which were of great importance to him in his differences with Charles V. Noailles his ambassador, who arrived in London early in May, represented the rumours of recovery, as spread by Northumberland to gain time for his preparations. He considered a promise to present him speedily to the king as a feint to cover other designs, and treated a festival, given by the minister professedly for the king's recovery, as an artifice of the same sort. He had been informed that the opinion of the physicians was, that Edward's complaint was pulmonary, and had symptoms of an advanced stage of consumption.‡ But the am-

* Northumberland to Cecil, 6th May, 1553; and princess Mary to the king, 16th May, published by Strype.

† Strype's Mem. of Edw. 6. book ii. ch. xxii.

‡ "Les médécins ont peu d'éspérance, étant en doute qu'il ne crache son poulmon." Noailles, 13 Mai, 1553. Embassade, ii. 25.

bassador five days afterwards tells his master that Edward was "thought out of danger." Some part certainly of the ministerial language, which he described as proceeding from a deep plot, arose only from the natural anxiety of most ministers to speak, and sometimes to think, as favourably as they can of their master's health. The French ambassador had good reason to be watchful; for on the 23d of June, Henry II. had been informed that measures were on foot at Brussels to revive the old treaty of marriage with Mary.*

The deathbed devotions of Edward bear testimony to his love of his people, and of his fervid zeal against what he conscientiously believed to be corruptions of true religion. "O Lord, save thy chosen people of England. Defend this realm from papistry, and maintain thy true religion." Whatever were the motives of others in the irregular measures which had been adopted, the prayer of Edward discloses the purity of his spirit, and is sufficient to prove that he consented to deviate from law, only because the deviation seemed to him to be warranted by the necessity of defending religion. He now sunk rapidly. On the day before his demise the council made an attempt to lure the princess Mary into their hands, by desiring her, in the name of her brother, to repair to London. After she had made some progress in her journey, she received from lord Arundel private warning at Hunsdon, which induced her to shun the snare, and to resort to her residence in Norfolk. Had Northumberland acted with more rapidity and foresight, he might have secured Mary and Elizabeth, by obtaining a few days sooner the king's commands, that they should come to attend the sick bed of a brother. On his procrastination, the immediately following events hinged. Perhaps, however, he thought that Mary would be more dangerous as a prisoner in England than

* Henry II. a Noailles, St. Germ., 23d June. The interpretation of Vertot, the editor, is adopted in the text; but the words "L'Empereur s'etoit resolu d'entreprendre la poursuite de la praticque ja encommencée avec Madame Marie," may be thought more probably to refer to more recent intercourse. Emb. ii. 45.

as an exile at Brussels; and he, perhaps, connived at her journey towards the coast, that she might be driven to that unpopular asylum. On the 6th of July, "towards nighte," this amiable and promising boy breathed his last in his palace at Greenwich. "His disease," says the privy council, "whereof he died, was of the putrefaction of the lungs; being utterly incurable of this evil."* His position in English history, between a tyrant and a bigot, adds somewhat to the grace of his innocent and attractive character, which borrows also an additional charm, from the mild lustre which surrounds the name of lady Jane Grey, the companion of his infancy, and the object of his dying choice as a successor on the throne.

A solemn embassy from the imperial court at Brussels arrived too late to find Edward alive, instructed to declare, that, if the king should die and the crown should descend to Mary, the emperor would approve her marrying an Englishman; and of her promising that there should be no change in religion if the people required such an assurance. On the 13th of July they openly threatened that Charles would not endure such a wrong to his kinswoman as her exclusion. From this moment Simon Bernard, who conducted the imperial business and left the grandeur of the embassy to his noble colleagues, became the secret counsellor of Mary, and the soul of her political measures. It was a necessary consequence of his ascendant in the royal closet that Noailles paid court to every discontented party, nourished the hopes of French aid, supplied the needy and the covetous with money, made wary approaches to the members of the royal family, whose name might be used by the disaffected, and very probably magnified the success of this policy to himself before he represented it in such bright colours to his court. It need not, however, be imputed to diplomatic contrivance that he calls the young queen Jane "wise, virtuous, and beautiful," for in this language he agrees with all who saw and heard her.†

* Council to sir P. Hobby, ambassador to the emperor, 8th July. Strypes' Eccl. Mem. Ibid.

† Noailles, 13th July. Emb. ii. 58.

CHAP. X.

LADY JANE GREY.

1553.

NORTHUMBERLAND concealed the death of the king for two days. On the 8th of July, as has already been related, the council apprized the ambassadors of this event, and communicated it to the lord mayor and aldermen of London, that they might prepare for the coronation of the lady Jane. Mary received this intelligence from her friends at court, and on the 9th wrote a letter to the privy council, expostulating with them for their undutiful concealment, solemnly affirming her right, and tendering an unreserved pardon on condition of their causing her to be immediately proclaimed. In their answer they declared their unshaken adherence to the lawful title of queen Jane: both parties prepared to decide the contest by an appeal to arms. Mary fixed her residence at Framlingham Castle in Suffolk, where the people, retaining an indignant remembrance of the severities employed to suppress Ket's rebellion, hated Northumberland; and where she might easily receive assistance from the Low Countries, or make her escape thither in case of need.

It was on the 9th of July, also, that Northumberland and Suffolk communicated to lady Jane the tidings of Edward's death, and of her own elevation to the throne. She fainted at the announcement, apparently as much affected by the latter as by the former of these occurrences. Afterwards, describing the transaction in a letter to Mary, she says, "As soon as I had, with infinite pain to my mind, understood these things, how much I remained beside myself, stunned and agitated, I leave to

those lords to testify who saw me fall to the ground, and who knew how grievously I wept." *

When she recovered her mind, she is said to have urged the very simple and natural topics of the preferable claim of the princesses, agreeably to the law of the realm and the commandments of God. Her dignified reserve probably prevented her in the letter to Mary cited above, from adverting to that and to many other parts of the conference farther than by a general reference to eye-witnesses. They pressed her with the authority of the judges. She gave the strongest proof, that a woman of her piety could offer, of her desire to act conscientiously, by imploring the guidance of Supreme Wisdom.

It is somewhat remarkable that the proclamations of Jane in London, and of Mary at Norwich, excited no cries of applause, and produced no outward marks of interest, in the choice of a sovereign. The uncertainty of the event probably smothered the zeal of both parties. The whole public authority and ordinary force were in the hands of the protestant lords; but Northumberland's supineness delayed the advance of the troops long enough to suffer the friends of Mary to assemble in force: he now felt the fatal effects of the popularity of Somerset, whom he had destroyed. The remembrance of the popular protector divided the protestants; a great part of them co-operated with the still powerful party of catholics. The concealed followers of the ancient religion threw off the mask; the lukewarm, the hesitating, the timid, stood aloof. Scarcely any but those adherents to the reformation, who were ready to sacrifice all for it, could now be relied on, if there were an appearance of a serious struggle. Even they must have felt many painful misgivings at the prospect of the triumph of the tyrannical Northumberland: never was there a more striking contrast than that between the most amiable of sovereigns and one of the most odious of ministers. Though he was now the champion of the protestant cause,

* Polini Stor. ecc. della Revol. de l'Inghilterra, from Mr. Turner, v. 216.

the sincerity of his attachment to it was much, and, as it appeared afterwards, not unjustly doubted.

Shelley, who was sent by Northumberland to the emperor, was refused an audience by that monarch, who also refused to receive a letter in which Jane notified her accession.

On Sunday the 16th of June, bishop Ridley, one of the most zealous of the protestant prelates, preached a sermon at Paul's Cross in support of the title of Jane, with severe animadversions on the religion of Mary; almost the only perilous act of homage to the unfortunate Jane after she began her fleeting reign. Both Mary and Jane issued commands to lord lieutenants and sheriffs to march with the power of their counties to the aid of the rightful sovereign. Northumberland was desirous of watching over the capital and the court, while Suffolk was to put himself at the head of the army against the followers of Mary; but Northumberland was persuaded, either treacherously (according to general opinion) or at least fatally, to take the armed force into his own veteran and victorious hands, and leave queen Jane and the council to Suffolk, who had no name in war. On the 18th of July the earls of Oxford, Bath, and Sussex, with some commoners of note, seceded from the council. Intelligence poured in from all quarters of the turn of the populace towards Mary; the farmers refused to follow their lords to the standard; in a squadron of six ships of war sent to Yarmouth to intercept Mary's expected flight to Brussels the seamen mutinied against their officers, and brought over the vessels to Mary.* On the 19th, lord Arundel, a concealed catholic, manifested the motives which induced him to advise Northumberland to take the field in person by deserting the council. The duke of Suffolk had been persuaded to suffer some lords to leave the Tower; they assembled, with other

* This general defection is described by respectable authorities as being "Non tam studio Mariæ quam odio Northumbrii ducis."—*Sleidan*, lib. xxv.
"Toutes ces choses sont arrivées plus par la grande haine qu'on porte à celui duc que par l'amitié qu'on a pour la dite reine Marie."
Noailles, 20th July.

lords favourable to Mary, at Baynard's Castle, the house of the earl of Pembroke, where, after long invectives against Northumberland, lord Arundel concluded with an exhortation to heal the disorders of the kingdom by proclaiming the lady Mary, who had already declared to the people of Suffolk that she would disturb nothing established in religion. Pembroke seconded this proposal with extreme violence. The lords, attended as usual by the magistrates of the city, rushed into the street and proclaimed Mary: they surprised the Tower, which Suffolk, overwhelmed by this sudden defection, abandoned to the prevalent faction. He caused the ceremonial of royalty to cease, and its ensigns to be displaced in the apartment of his daughter, who, when she was exhorted by him to bear her fall with fortitude, answered him with modest composure, — "This is a more welcome summons than that which forced me against my will to an elevation to which I am not entitled, and for which I am not qualified. In obedience to you, my lord, and to my mother, I did violence to myself: the present is my own act, and I willingly resign." On the next day she returned to her retirement in the monastery of Sion. She reigned ten days, and was called "a twelfth-day queen*," by some paltry buffoon, who could look on the misfortunes of the good as the subject of a sorry jest. Before these decisive events in London, Northumberland had been obliged to fall back from Newmarket to Cambridge, at which last town the rapid progress of adversity compelled him to proclaim Mary. This humiliating measure did not save him from being led a prisoner for high treason to the Tower of London, lately his palace.

* "La pauvre reine de la fêve."—*Noailles*, 20th July.

CHAP. XI.

MARY.

1553—1558.

MARY, accompanied by her sister Elizabeth, who for a moment had a common interest with her, and had joined her at the head of 2000 horse, made her triumphal entry into London on the 3d of August. The day before she had bestowed the great seal on Gardiner, who had atoned for his former hostility to her mother's marriage by recent services as well as sufferings, and was still more recommended to her by the importance of employing his abilities in her councils. The first act of Mary's reign was gracious, and must have been grateful to her. On the afternoon of her entrance into the Tower, she found there several sufferers for her party, and others who at least suffered from the same enemies. She had the satisfaction of releasing the aged duke of Norfolk, and her kinsman Edward Courtenay, whom she soon after created earl of Devonshire. The haughty duchess of Somerset owed her liberty to the generosity of a princess from whom no gratitude was due to her. The duke of Suffolk was committed to the Tower, but enlarged and pardoned in a few days. On the 18th of August, 1553, the duke of Northumberland, the marquis of Northampton, and the earl of Warwick, were tried for high treason in the court of the lord steward, that office being for the time granted to the duke of Norfolk. Northumberland defended himself by alleging the authority of the privy council; a defence in some degree equivalent to an appeal to the statute of Henry VII., which justifies obedience to one who is an actual, though not a rightful, possessor of supreme power: though it seems doubtful whether an authority owned in the capital for ten days be not too transient and partial to deserve the name of

actual possession. On the 19th of August sir John Gates, sir Henry Gates, sir Andrew Dudley, and sir Thomas Palmer, were tried for the same offence by a jury: all the culprits were convicted. On the 22d of August Northumberland, with sir John Gates, and sir Thomas Palmer, were executed. Northumberland owned on the scaffold that he had never ceased to be a Roman catholic; a confession not attended with those marks of penitence which might render it respectable; it served only to strip his conduct of any palliation which the mixture of a motive, in its general nature commendable, might have in some degree afforded.

All the deprived catholic bishops, Gardiner, Bonner, Tunstall, Day, and Heath, were restored; the deprivation being pronounced to be uncanonical. The protestant bishops, in the eyes of their Roman catholic judges, had incurred deprivation by marriage, or more extreme penalties by preaching heresy. The gentle and kind but timid and pliant Cranmer was committed to the Tower on the 2d of September, and on the 13th he was followed by Latimer, a man in all respects but religion directly opposite to the primate; —brave, sincere, honest, inflexible, not distinguished as a writer or a scholar, but exercising his power over men's minds by a fervid eloquence flowing from the deep conviction, which animated his plain, pithy, and free-spoken sermons. As he passed through Smithfield on his road to the Tower, he said, "Smithfield has long groaned for me." * The liberty of speech, for which he resigned his bishopric under Henry VIII., was now treated by the council as "insolence," and alleged in their books to be the ground of his committal.

Charles V., who continued his instructions to Mary through Renard, when he had heard of the revolution in her favour, advised her to marry; and added, that if she consulted him on the choice, he should freely give his advice. It was by the counsel of his ministers in London that the funeral of Edward was performed by Cran-

* Fox.

mer according to the English ritual. He recommended, in the common-places of state-paper phraseology, a judicious selection of examples both of justice and mercy: the merciful part of his advice was not, however, that on which he most relied; for Renard strongly urged the execution of Jane, and, after a month's consideration, Charles earnestly repeated his advice "to punish without mercy all those who had attempted to rob her of the crown." If her scruples in the case of the involuntary criminal of seventeen should prevail, he at least counselled the most rigorous imprisonment.* The king of France earnestly advised the queen to wait for the result of the parliament before she contracted irrevocable engagements, "knowing the humours of her people, easily excited, and hard to be reconciled to a foreign master."†

The advice of the emperor on ecclesiastical policy was prudent: but the minister Gardiner, and Paget, the old servants of Henry VIII., who well remembered the ease and safety which the ready concurrence of slavish parliaments had given to that monarch's innovations, must have felt the necessity of the same apparently national sanction after the long period since the people had been separated from the community of Rome, and the not inconsiderable time which they had passed under a protestant church. One of Mary's earliest measures was a proclamation on the 18th of August, declaring that "she could not hide her religion, but that she mindeth not to compel any of her said subjects thereunto until such time as farther order by common consent shall be taken therein ‡;" a declaration which probably conveys the true sense of the emperor's advice, and justifies the expectations expressed by the upright Latimer, however it might lull the alarms of the credulous multitude. The parliament assembled on the 5th of October, 1553; and, in a session of nineteen days, passed only three acts: one for the abolition of all the treasons and felonies of

* Griffet, Eclairc., 56. "*garder à vue*," a phrase for which the humanity of the English language has no equivalent.

† Embass. de Noailles, ii. 193.

‡ Collier, ii. App. No. 68.

Henry VIII.; one for the restoration in blood of Gertrude marchioness of Exeter; and another for the like restitution of that lady's son, Edward Courtenay, now created earl of Devonshire. It seemed becoming to separate these acts of personal and public grace from all other matter: the royal assent was immediately given to them; a proceeding which, according to the practice of that age, terminated the session of sixteen days. The second session of the same parliament was assembled on the 24th of October, after a prorogation of three days, and it continued until a dissolution of parliament on the 6th day of December, after passing several momentous and memorable laws. The object of the first* was to declare the validity of Henry's first marriage, to pronounce his divorce to be void, and to repeal those statutes made in affirmance of it which had declared Mary to be illegitimate. All titles under the will of Henry were thus forfeited; and, not content with the necessary implication, by which the whole statute set aside Elizabeth, the parliament excluded her as much as if she had been named, by expressly confining the abrogation of illegitimacy to Mary. The road to Rome was by this act thrown open; and it required little discernment to foresee that a reconciliation with the ancient church was fast approaching.

The progress of the revolution, however, was in some degree cautious; for, though the acts of Edward VI. respecting the sacraments, the election of bishops, the marriages of priests, the mass and images, the ordering of ministers, the uniformity of public worship, the keeping of fasts and holidays, and the legitimation of the children of priests, were repealed, yet it was at the same time provided, "that the divine service used in England in the last year of Henry VIII., and no other, shall be used." The outward innovations were, therefore, thus far founded on the apparent principle of restoring the worship and discipline established by Henry. The clauses respecting the marriage and divorce, though

* 1 Mary, stat. 2. c. 1.

Gardiner had framed them with such dexterity as to elude the mention of the still alarming name of pope, could only be justified by papal authority; they led by necessary consequence to a recognition of the jurisdiction of the supreme pontiff, and with it the whole of the doctrine and discipline of the Roman catholic church.

The pause which preceded the perfect re-union with the church of Rome was occupied by events of considerable importance, both in themselves and as they contributed towards that sole object of the queen's policy. Zealous catholics outran the course of the government, and the parochial clergy restored the altars and resumed their Latin prayers before they were authorised to make these changes; but, to the great satisfaction of the queen*, Romanists more discerning, who saw the predilection of the people for the cause of the innovators, blamed their party for setting the example of these tumultuary reformations, from which the ancient religion had more to fear than to hope.

On the last day of September, Mary was crowned at Westminster with the accustomed solemnity and splendour, of which the description sometimes renders our picturesque chroniclers prolix. In the carriage which immediately followed her were seated her sister Elizabeth and the princess Anne of Cleves; two ladies singularly unlike in their lot and unequal in their fame. The latter princess, either above or below ambition, escaped from the doom of heresy, and enjoyed, for the remainder of her days, the gratification of an ample income, and the safety of a private condition. The imperial ambassadors reported to Charles† that they overheard Elizabeth, who carried the crown, whisper to M. de Noailles that it was very heavy, and she was tired of carrying it; to which he replied, that it would be lighter on her head;—an anecdote doubtful on several accounts, but especially because Noailles does not mention it in

* Sand. de Schism. Angl., in Collier, ii. 346.

† Griffet, 60. Noailles' account of the coronation (Emb. ii. 196.) is confined to the ceremonial, of which seventy ladies, married and unmarried, riding on horses covered with crimson velvet, formed a remarkable part.

his correspondence with his court. Elizabeth, who had just completed her twentieth year, was about to close the studious quiet of her early life, that she might enter on those sharp trials of adverse fortune which were to exercise her vigorous faculties and to strengthen her commanding genius; thus fitting her for that stormy and glorious reign which, if it had some stain of Tudor vices, yet, besides the prudence of her grandfather and the energy of her father, displayed many great and some good qualities, of which the rudest outline cannot be traced in the character of these bad princes.

Her position was at this moment difficult. The protestants already began to turn their eyes with trembling hope to the daughter of Anne Boleyn. From her alone, after the defeat of Northumberland, the catholics had to dread an adverse administration. In such a state of things, both parties were prone to spread and to believe every rumour, ascribing to her projects of aggrandisement which, in her case, seemed to offer the sole chance of safety. The main object of the catholic party was to secure their church by obtaining a suitable marriage for Mary. Some spoke of cardinal Pole; but his age of fifty-three was an insurmountable objection. The youth and beauty of her cousin, Edward Courtenay, earl of Devonshire, perhaps pleased for a moment the stern and gloomy queen. He does not seem to have betrayed any partiality for Elizabeth till Mary openly declared against him; though Burnet tells us that the queen "was thought to have some inclination to marry him, had he not shown an inclination for Elizabeth, who had much the better share of the beauty that was between them." She objected to some of his irregularities, but as there was little scope for them in his long imprisonment, it is very improbable that she should have considered them as without excuse. It may be believed that he might have contracted in the Tower connections, propensities, and manners unsuitable to his station. True Englishmen of both religions must have preferred a native to a foreign

* Griffet, 57.

husband, especially if the latter was formidable by his strength, and tyrannical in his temper and policy; but there was little time for debate. On the 24th of July, as soon as Charles had learnt the revolution in his cousin's favour, he advised her to marry, and said he was ready to give his advice on the choice if she desired it. On the 29th of July she referred herself entirely to his judgment. Her ministers proposed his nephew, the archduke, as one who would be acceptable in England, from the small power and remote dominions of which he was the heir. He dissuaded her from that selection. She yielded, but, shortly after, complained of the delay of Charles's decision. On the 20th of September he answered, that "seeing Courtenay was not agreeable to her, and that Pole would not quit his ecclesiastical character, he thought with her that a powerful prince would suit her better than a private subject of Great Britain; that if his own age and health had not unfitted him for marriage, he should have the greatest satisfaction in wedding her; but that, as he could not propose himself, he had nothing more dear to offer to his beloved kinswoman than his son Don Philip." The emperor begged that the queen should not communicate this proposition to any of her English ministers. However singular it may be, there appears to be a species of coyness in Mary's advances, and of pedantic chivalry in Charles's replies, which throw over their correspondence a ludicrous semblance of superannuated gallantry. The emperor's declaration, that he agreed with Mary in thinking a powerful prince a more suitable husband for her than a private subject, sufficiently indicated a previous intimation from her of her inclination towards a Spanish match; which she must have intelligibly conveyed to Charles in the first month of her reign.

Gardiner's former life, and his present station, were peculiar motives for his not wishing success to the Spanish match, even if he must be supposed to be void of the generous prejudices which excite the lovers of their country against a foreign ruler. Philip was already

known to be no supine, no indulgent master. It was well remembered by the most constant catholics that the bishop of Winchester had been the most active agent in obtaining the divorce between Henry and Catherine, which he now persuaded the parliament to condemn in the severest terms of reprobation. It is likely that Gardiner did not very ardently desire a more rapid and complete reconciliation with Rome than was absolutely exacted by the scruples of Mary's conscience; but rather wished to moderate a victory in which he might apprehend that he would be entirely eclipsed by the royal descent, the refined literature, and the stainless life, of Pole.

The Spanish match was so decisive an advance towards Rome, that the same cautious policy was thought necessary in conducting it which is discoverable in the rest of the measures of Gardiner's administration. Charles V. apprehended the indiscretion of Pole, whose generous nature as well as sincere religion made him so impatient of artifice as to be averse even from that management and address which he considered as arts of worldly policy peculiarly unsuited to the re-establishment of the orthodox faith. Pole distrusted such a veteran politician as the emperor, whom he justly considered as too habitually employed in projects of aggrandisement to be capable of fixing his mind mainly and constantly on the interests of religion, however he might coldly assent to her doctrines.

A secret communication between Mary and the papal court began very early. Commendone, a Roman courtier, was sent into England by the legate at Brussels. He landed secretly, and, having hired servants at Newport unacquainted with his true name, arrived safely in London. There, however, he was perplexed how to proceed, till by accident he met Lee, one of the queen's servants, who had fled beyond sea in the former reign, where he was known to Commendone. Lee introduced him to a secret audience of the queen, who owned her design of restoring religion, but added, that prudence and

secrecy were necessary to prevent her intention from being obstructed. She intrusted him with letters of this tenor for the pope and Pole; and after having, on the 22d of August, seen the execution of Northumberland, an earnest of the firmness of her purpose, he repaired with these acceptable tidings to the court of Rome.*

The pope, without delay, nominated Pole to be legate to Mary. The pious cardinal eagerly hastened to perform this apostolic duty to his royal kinswoman, to his deluded country, and to the memory of his martyred parents. But Charles required the mission to be delayed: he urged the necessity of adopting every measure of precaution before the papal authority should appear in the person of a legate. He distrusted the English spirit of Pole, who might, on his return to his country, catch the disinclination of his countrymen to a foreign master.† He could not, after his correspondence with the queen, have been actuated by jealousy of Mary's inclination to espouse her kinsman, though that circumstance has been alleged as one of the motives of his conduct. It is very probable that Charles urged and believed the necessity of a powerful marriage, with the assurance of foreign aid, as a measure preliminary to the re-establishment of religion; though the sharpest of the stimulants which excited him might have been the prospect of an immense and immediate accession to his mighty empire. The emperor feared the opposition of Pole to the Spanish match, not only as an Englishman, but as jealous of Spanish greatness, and unwilling that his influence over Mary should be shared with a husband of commanding character. These were two palpable objects of irreconcilable difference between Pole and the English ministers who were supported by the emperor. They urged the necessity of proceeding by very cautious steps to the total restoration of popery. Pole was indignant at the continuance of

* Commendone returned to Brussels before the 28th of August, and travelled day and night to Rome, making a small deviation to visit Pole at the Lago de Garda. Pallavic. Istor. del Conc. di Tirnto, l. xiii. c. 7.
Pallavicino, who writes from despatches, is very valuable in dates.
† Pallavic. Istor. del Conc. di Tirnto, l. xiii. c. 7.

any remains of the schism. They considered a papal confirmation of all sales and grants of church lands as essential to the consolidation of their political system. Pole protested against this demand, and prayed the pope rather to recall him than to require his participation in sacrilegious rapine. Mary took the politic side on both these points, because it was that of the court of Brussels, and wrote to her kinsman to assure him that the life of a papal legate would not at that time be safe in England. It is to be considered that Gardiner had now yielded to the marriage, the final arrangement of which could not then have been known to Pole.*

As soon as the intended marriage was noised abroad, the house of commons took the alarm. They presented an humble address to the queen, beseeching that she would be pleased to provide for the continuance of quiet by a matrimonial union; but earnestly imploring her to prefer a native Englishman to a foreigner.† She resented this address. Her answer was haughty, probably dictated by the imperial ministers. She was moved by it to a step not a little remarkable in a princess otherwise decorous in her manners and delicate in her sentiments. On the evening of the address, which was the 30th of October, she sent for the imperial minister, whom she conducted to her private oratory, and there kneeling before the altar, after reciting the hymn "Veni, Creator," she called God to witness that she solemnly plighted her troth to Philip prince of Castile.‡ She was driven to this act of forwardness by the popular discontent which the address of the commons had embodied. By the advice of Gardiner, who had now conquered whatever repugnance he might have formerly felt against the marriage, Charles V. borrowed 1,200,000 crowns, which then amounted to 400,000 pounds in English money, from the imperial cities §, to be employed in softening

* Griffet, 120. Noailles, iii. 216.

† Burnet, p. ii. b. 2. Griffet and Noailles. The journals of the lords in the first parliament of Mary are lost, or not published. The short notes of journals of the commons take no notice of the address.

‡ Griffet. Noailles.

§ Burnet, p. ii. b. 2.

the hostility of the lords and commons on this occasion; "the first instance of any rumour of the corruption of parliament."* Philip, nine years younger than the unattractive queen, did not sacrifice taste to aggrandisement without hesitation. After the prorogation of parliament, which one writer ascribes to their refusal to bastardise Elizabeth by name†, a magnificent embassy came from the emperor, publicly to solicit her majesty's hand for Don Philip, the heir of the Spanish, Italian, and Burgundian dominions of the house of Austria. The count of Egmont, who was at the head of this embassy, at his landing found so great was the national dislike to the union, that he and his colleagues had some difficulty in escaping decisive marks of popular disapprobation.‡ They were presented to the queen on the 2d of January, 1554. She referred them to her ministers, who were easily persuaded to advise her in the manner which they well knew to be most agreeable to her wishes. Gardiner represented it in the fairest colours of his eloquence to a willing privy council, and announced it afterwards to the mayor and magistrates of the capital, with a skilful parade of its advantages. As he continued in office during his life, which lasted eighteen months after the marriage of Philip, it is not probable that the chancellor ever carried his opposition on so delicate a subject to an inconvenient extent.

Though the treaty was not ratified in March, the conditions were substantially fixed in January. The most important were, that the appointment to all offices in the English dominions should be left to her majesty, and confined to natural-born subjects; that the laws and privileges of England should be preserved; and that the English nation should continue to employ in their affairs the languages to which they had been anciently accustomed. Don Carlos, Philip's eldest son, was declared heir of Spain, the two Sicilies, and Lombardy; these territories, in failure of him and his progeny, were to

* Burnet.
† Carte; but without citing any authority.
‡ Burnet.

devolve on the issue of the present marriage, who were to be the immediate heirs of the provinces of Lower Germany.*

But these specious conditions were far from appeasing the national discontent. The object of Charles V., it was said, is attained. He has obtained a footing for his son in England. That prince might smile at terms which he could and would cancel or break at the head of a foreign army. All true protestants must see with horror that they were to be subjected to a Spanish inquisition. The lovers of liberty foretold the overthrow of their ancient constitution; foresaw that England, become a province of Spain, would be ruled with the same iron sceptre under which the Netherlands, Milan, Naples and Sicily groaned. Men of common humanity shuddered at the yoke of those who were inured to blood and rapine amidst the extirpation of the natives of America. Charles V., the sovereign of a great part of the old and the new world, if his son were once established in England, would have no difficulty in deluging it with the veteran mercenaries and hardened adventurers who covered his vast dominions.

A plan of revolt was resolved on to avert all these evils, which had in its first outline some chance of success. Sir Thomas Wyatt the younger was to take the field in Kent. The duke of Suffolk was to raise his tenants in the midland counties. Sir Peter Carew was the expected leader in Devonshire. Henry II. king of France, who dreaded the aggrandisement of Charles V., gave hopes of aid to the malcontent chiefs. Noailles his ambassador entered eagerly into these projects, and greedily swallowed every rumour which magnified the strength of the revolters. It is the lot of such ministers to be deceived, and their general disposition to exaggerate circumstances which exalt their own importance. The earl of Devonshire, an imprudent youth, lent an ear to Carew's temptations. The princess Elizabeth refused to

* Dumont, Corps Diplom. iv. part iii. p. 106. Rymer, xvi. 377.

attend her sister to mass.* Incessantly urged by those whose importunities were threats, she tried to gain time, by throwing herself at her sister's feet, and with tears in her eyes she prayed that she might not be pressed to abandon the religion in which she was reared till they had afforded the means of religious instruction through books and teachers.† On the eve of the coronation she yielded to the same apparent conformity which Mary had practised in obedience to Henry VIII. Her attachment to religion was, however, so well known that this compulsory conformity deceived neither party.‡ She was incensed at the sentence of bastardy virtually pronounced against her in the statute which established the throne of the reigning queen. She was displeased by the precedence over her given to other ladies of the court, as a clear, though in itself frivolous, mode of displaying her illegitimacy. She was impatient of the importunities which had beset her, and indignant at the necessity of purchasing life by hypocrisy. It is uncertain whether the consummate prudence which distinguished her subsequent conduct prevailed over her natural feelings so entirely as to induce her to decline all suspicious intercourse and dangerous propositions. Even if she was thus prematurely wise, she could not fail to be represented as sharing all daring projects by those who hoped much from her name, as well as by those who sought a pretext for her destruction. The French minister, who was deeply engaged in the plot, was a credulous witness respecting the princess's share in it. Accusation and rumours, however general, are of little or no value where they would be as certainly pointed against the innocent as against the guilty. But it must be owned that her forbearance, if complete, must be attributed more to prudence than to loyalty.

The conspirators had at first decided to postpone the rising till the arrival of Philip, who was expected in

* Noailles, Sept. 6. 1553. Emb. ii. 141.
† Griffet, 106., from Renard's despatches.
‡ Noailles, 22d Sept. 1553. Emb. ii. 160.

April, should raise to its highest point the unpopularity of the marriage. The discovery of their designs, in the middle of January, broke their measures. They took up arms to escape from their enemies before their preparations were in forwardness, and Carew fled to France. The duke of Suffolk, a protestant so zealous as to have already forgotten the recent mercy shown to him, displayed his boldness by an attempt to excite his tenants in Warwickshire to revolt. His success was small: his followers were routed by lord Huntingdon, and he was himself betrayed to his enemies by one of his park keepers. On the 25th of January, 1554, the day on which Suffolk left London, sir Thomas Wyatt raised the standard of insurrection at Maidstone. He established his head-quarters at Rochester, and was joined by no contemptible number of the men of Kent. After several skirmishes, with various results, the duke of Norfolk was sent to quell the rebellion. He arrived at Stroud, a suburb of Rochester, on the 27th of January. As he was about to begin the attack, Breté and other officers of the Londoners, who composed a large part of Norfolk's force, fell back from their post with their soldiers; and as soon as the first gun was fired against the insurgents, the London bands, who were in the rear of the queen's army, shouted aloud sundry times, "We are all Englishmen!" The duke made an effort to turn his artillery against them, but the national feeling prevailed. Norfolk, attended only by the captain of his guard, shifted for himself.* Such was the terror spread by this defection, that the imperial ambassador fled from London†, and the court opened an ineffectual negotiation with Wyatt, now at the head of 15,000 men. At this moment of panic, Mary went to Guildhall, and harangued the citizens of London, with much of the spirit of her race, and with a success which has often attended female sovereigns in their addresses to a susceptible multitude. "On the word of a queen I promise and assure you

* Holinshed. † Idem, iv. 15.

that, if it shall not appear to the nobility and commons in the high court of parliament that the marriage is for the singular benefit of the whole realm, I will abstain from it."

On the second of February, the day of the queen's speech, Wyatt advanced to Deptford, where he halted, as it seems imprudently, for twenty-four critical hours. Twenty thousand men enlisted under Mary's standard. Wyatt, whose quarters in Southwark were commanded by the cannon of the Tower, being defeated in an attempt to force London Bridge, marched to Kingston, where, on the sixth of February, he passed the remains of the bridge at that place without resistance. He had concerted measures with his still numerous friends in the city. But he lost their aid by one of those defects in punctuality to which warfare in the night is peculiarly liable. On the seventh of February he arrived at Hyde Park-corner. He marched to Charing-cross, filling the court with such consternation, that even Gardiner entreated the queen to throw herself into the Tower. The daughter of Henry VIII. scorned this counsel. At Charing-cross a conflict ensued, in which Wyatt, still eager to resume his communications with his city adherents, advanced at the head of 400 men, being probably cut off from his main body by the enemy, till he found Ludgate barred against him by lord Effingham. Disheartened by this unexpected resistance, the greater part of his followers were either dispersed or slain. With a remnant of about eighty he fought his way back to St. James's; and, after performing deeds of prowess worthy of his name, he surrendered his sword to sir Maurice Berkeley. Had his confederates, Suffolk, Courtenay, and Carew, resembled him; had he delayed the onset even a little longer; had he wasted no irrecoverable time, when all depended on speed, the event might have been very different; for the body of the people had not been appealed to: the insurrection of a county was quelled almost as soon as its commencement could be

known to the most extensive and martial provinces. "The discontents of the subject," says Noailles, "are not at all abated, but, on the contrary, increase daily."*

On the 3d of November, 1553, lady Jane Grey and lord Guilford Dudley were convicted of high treason. But no time was fixed for the execution, and their treatment indicated some compassion for involuntary usurpers of seventeen years of age. The ingratitude of Suffolk proved an incentive sufficient to prevail over the slender pity of bigots and politicians. On the 8th of February, Mary signed a warrant for the execution of "Guilford Dudley and his wife,"—for such was the description by which they were distinguished at a moment when discourtesy wears its ugliest aspect. On the morning of the 12th, he was led to execution on Tower Hill. Lord Guilford Dudley had requested an interview with his beloved Jane. She, from a fear that it might unfit both for the scene through which they were to pass, declined it. She saw him go through the gate of the Tower towards the scaffold; and, soon afterwards, she chanced to look from the same window at his bleeding carcass, imperfectly covered, in the cart which bore it back. Feckenham, abbot of Westminster, had endeavoured to convert her to the catholic faith. He was acute, eloquent, and of a tender nature; but he made no impression on her considerate and steady belief. She behaved to him with such calmness and sweetness, that he had obtained for her a day's respite. So much meekness has seldom been so pure from lukewarmness. She wrote a letter to Harding on his apostasy, couched in ardent and even vehement language, partly because she doubted his sincerity. Never did affection breathe itself in language more beautiful than in her dying letter to her father, in which she says, "My guiltless blood may cry before the Lord; Mercy to the innocent!"† A Greek letter to her sister, lady Catherine, written on a blank leaf of a Greek Testament, is needless as another proof

* Noailles, 4th March, 1554. Emb. iii. 97.
† Stowe. Biograph. Britan. iv. 2490. 1 Ed. 1757.

of those accomplishments which astonished the learned of Europe*, but admirable as a token that neither grief nor danger could ruffle her thoughts, nor lower the sublimity of her highest sentiments. In the course of that morning she wrote in her note book three sentences in Greek, Latin, and English, of which the last is as follows:—"If my fault deserved punishment, my youth, at least, and my imprudence, were worthy of excuse. God and posterity will show me favour."

She was executed within the Tower, either to withdraw her from the pitying eye of the people, or as a privilege due to the descendant of Henry VII. She declared on the scaffold that "her soul was as pure from trespass against queen Mary as innocence was from injustice: I only consented to the thing I was forced into."

In substance the last allegation was true. The history of tyranny affords no example of a female of seventeen by the command of a female, and a relation, put to death for acquiescence in the injunction of a father, sanctioned by the concurrence of all that the kingdom could boast of what was illustrious in nobility, or grave in law, or venerable in religion. The example is the more affecting, as it is that of a person who exhibited a matchless union of youth and beauty with genius, with learning, with virtue, with piety; whose affections were so warm, while her passions were so perfectly subdued. It was a death sufficient to honour and dishonour an age.

The execution of her father occurred a few days afterwards. Sir Nicholas Throgmorton was tried, and made so good a defence, on grounds of law, that the jury acquitted him; for which several of them were heavily fined, according to an usage then of unquestioned legality. Wyatt was convicted on the 15th of March. Nearly a month appears to have been employed in labouring to extract information from him against the princess Elizabeth. The attorney-general at the trial aggravated the criminality of Wyatt by saying, "Your attempt reached,

* Heylin. Biograph. Britan.

as far as in you lay, to the second person in the realm, whereby her honour is brought in question." Wyatt wholly disclaimed the imputation. "Being in this wretched estate," said he, "I beseech you not to overcharge me, nor to make me seem that I am not."* This brave youth was beheaded on the 11th of April.

It was not till the beginning of December that Elizabeth obtained leave to retire to her house at Ashridge, where it was possible for her to escape the constrained participation in a worship which she disapproved. There she received propositions and suggestions from the chiefs of the revolters, who probably intended, in due time, to act in her name; but her consent or acceptance was not shown, nor even seriously alleged. Her utmost offence seems to have been the misprision, or concealment, of projects of revolt, which was not a capital crime.

About the 8th of February, immediately after the utter discomfiture of Wyatt, sir Richard Southwell, sir Edward Hastings, and sir Thomas Cornwallis, were sent to Ashridge with a body of troops to conduct Elizabeth to London.† They were enjoined to bring her "quick or dead," or, in other words, to use any force necessary to their purpose, if the court physicians, who were sent with them, should pronounce her capable of being carried to the capital without danger of her life from the journey. They arrived after she had retired to rest; but though she declined to see them till the morning, they immediately forced their way into her bedchamber. "Is the haste such," said she, "that it might not have pleased you to come to-morrow in the morning?" They professed "that they were right sorry to see her in such a case." She replied, "And I am not glad to see you here at this time of night." Her illness was so unfeigned that it compelled the courtiers and their physicians to allow her an unusual time for

* Holinshed, iv. 29.

† Compare Strype, Mem. v. 144. 146. with Griffet, 150.

Despatch of Noailles, 11th February, 1553-4. Emb. iii. p.63.: six hundred soldiers sent to Ashridge. They probably arrived on the 13th. Six days are assigned by Holinshed for the journey to London. Three or four more were necessary before she could be shown in London.

her journey, and she did not enter London till the 23d. "While the city," says Noailles, "was covered with gibbets*, and the public buildings were crowded with the heads of the bravest men in the kingdom, the princess Elizabeth, for whom no better lot is foreseen, is lying ill about seven or eight miles from hence, so swoln and disfigured that her death is expected."† He doubted whether she would reach London alive.‡ In passing along the streets of the capital, she ordered her litter to be opened, in order to show herself, and was appareled in white, as the emblem of innocence. The paleness produced by her distemper was perceived and pitied by the beholders, notwithstanding the lofty port which she assumed. Her youth and strength triumphed over the disease. She demanded an audience of the queen, asserted her innocence with the utmost boldness §, and claimed the interview on the grounds of a promise made by her sister. But the request was vain. "The lady Elizabeth has recovered her health, but it is a recovery of little importance; for her death is determined."‖ "The queen," continues the French ambassador, "goes to Richmond before Easter, to do penance, and to command acts of cruelty."

Two councils were held on the fate of Elizabeth. One party, supported to the last by the advice of the emperor, urged the absolute necessity of destroying her, and the folly of sparing a traitress, who defeated the law more effectually by a mere evasion of it, whatever lawyers might think of her escape from its letter. Lord Arundel and lord Paget were the authors of these lawless counsels. On the other side, the more experienced of the English counsellors doubted, perhaps denied, that Elizabeth could be legally convicted of treason un-

* On Monday, the 12th of February, fifteen gallowses were erected; on which fifty-two men were hanged. The day was called Black Monday, as being that of the killing of lady Jane.

† 21st February, Emb. iii. 78. ‡ Emb. iii. 88.

§ Ellis's Letters, second series, ii. 255. Princess Elizabeth to Queen Mary.

‖ La pauvre madame Elizabeth est amendée de sa santé. Mais peu lui servira cet amendement, puisque sa mort est résolvé." — Noailles, Emb. iii. 121. March 10. 1554.

der the 25th of Edward III., the only law applicable to that offence; since the late statute, one of the earliest and happiest of her majesty's measures, had swept away the odious heap of treasons raised up by her father. That ancient law, dear to the people by contrast with the late bloody statutes, required open and outward acts to be done by the accused in furtherance of their criminal designs. Gardiner, though he professed to think Elizabeth deserving of death, yet considered her confinement at Ashridge and Courtenay's residence at St. James's as irreconcilable with a just conviction for treason. If the present construction of the statute of Edward then prevailed, he must not only have held that they did not levy war, but that a conspiracy to rebel was not capable of being proved against them. Our information, which flows from foreign ministers, throws no light on such subtle distinctions. But it is so probable as to allow little doubt that Gardiner would not have harboured any scruples about the removal of a person so obnoxious, and of whose desert he professed to think no better than his colleagues, if there had been any sufficient evidence of Elizabeth's substantial assent to the projects of revolt suggested to her by Wyatt, and perhaps by Courtenay. It is not wonderful that a man grown grey in affairs of state should have shrunk from the public and personal danger likely to attend the illegal execution of the second person in the commonwealth. No other motive can reasonably be supposed to have influenced his conduct. Elizabeth often assured a French minister, long after these events, that she expected death, and that the queen thirsted for her sister's blood *; a circumstance which exactly tallies with the expectations of Noailles. She probably owed her life to the illness and distemper at Ashridge, which hindered her from being tempted or carried into the camp of the insurgents.† A subordinate question arose in the council,

* Mém. de Castelnau, i.

† Elizabeth étoit demeurée malade dans sa maison de campagne. Elle n'étoit donc dans le cas de subir la peine de mort. C'est ce qui lui sauva la vie; sans quoi elle auroit eu la tête tranchée. Elizabeth s'y attendoit

whether Elizabeth, being absolved from a capital charge, should be committed to the Tower. On this question, fearing to displease the queen by too frequent opposition, Gardiner took the severe side.

Elizabeth was committed to the Tower, certainly with no other expectation than that of mounting the scaffold of her unhappy mother; of which all the horrors were revived by the recent fate of lady Jane Grey, — the first intelligence which welcomed the princess on her arrival in London. For some time after her imprisonment in that fortress she was harassed by examinations, which, after the resolution of the counsel, could have been prompted only by a desire to discover some means of satisfying the lingering hatred of Mary and the bloody policy of Charles V. In the middle of April there seemed no remaining means of gratifying Mary's revengeful spirit by keeping up the appearance of an enquiry; for Elizabeth was then permitted to walk round the Tower. On the 19th of May she was transferred to the custody of sir F. Williams, a gentleman of the same lineage with the Cromwells, who, though created* a baron only a month before, treated the young princess with more mildness than pleased the court; for she was shortly imprisoned at Woodstock, under the gaolership of sir Henry Bedingfield, a man so much more anxious to gratify his employers than to act as became his original station, that he ranks among the gaolers who have derived a lasting infamy from the fame of their prisoners. When he came with a hundred newly-equipped soldiers to conduct her to Woodstock, she said to him with her usual quickness and poignancy, "Is the scaffold of lady Jane yet taken away?"† The princess, when she afterwards became queen, carried her

comme elle l'avoua dans le suite à monsieur de Castelnau. Griffet, 166. In p. 171. he tells us, on the authority of Renard, that Gardiner prevailed over the desire of Mary for Elizabeth's death.

* Dugdale, ii. 393.

† It is singular that Dr. Lingard should have laid more stress on a slight intimation in a note of Warton (Life of Sir T. Pope, 74.) than upon the narrative in his text.

anger no farther than to forbid him from visiting the court. She said to him, on the occasion of the prohibition, "God forgive you, and we do; and if we have any prisoner whom we would have hardly handled and straitly kept, then we will send for you."*

Philip landed at Southampton on the 19th of July, 1554, attended by a train magnificent and formidable, composed of Spanish grandees and Burgundian lords, who were followed by four thousand soldiers, and had been conveyed from Corunna by a fleet† containing the choice of the armed vessels of the Netherlands, of Spain, and of England. The marriage between Philip and Mary was solemnised on the 25th by Gardiner in his cathedral of Winchester. Philip was at that time in the twenty-ninth year of his age, Mary in her thirty-eighth year. The countenance and form of the prince were in his youth not void of symmetry, and began to show marks of his firm and sagacious mind; but the stately reserve of his Spanish manners did not lessen the repugnance of the English people to the marriage. "No English lord remained at court but Gardiner. When the king and queen removed to Hampton-court the hall door was continually shut, so that no man might enter unless his errand were first known, which seemed strange to Englishmen." In September a proclamation enjoining all vagabonds and servants out of place to quit London in five days, bore marks of the like gloomy distrust. In October the queen or her sycophants began to countenance rumours of her pregnancy, very naturally believed by a lady in her circumstances.

On the 12th of November a parliament was holden at Westminster to complete that imperfect restoration of religion which had been faintly sketched in the former year. This national assembly was at its opening honoured by the unwonted or rather unexampled presence of two sovereigns, king Philip and queen Mary; of whom the first, though in England only titular, was distinguished

* Holinsh. iv. 56.

† Noailles, iii. 283., who gives a list of the Spanish and Flemish nobility. There were 150 Spanish vessels, 28 English ships with other vessels, and 14 ships from the Low Countries. — Holinsh. iv. 57.

from all others by a statute, which made it treason to compass his death.* A bill passed both houses in four days "for the restitution in blood of the lord cardinal Pole †"; an act in itself of just reparation, but thus hastened by alacrity in paying homage to the rising religion of the court. The lords were unanimous. Lord Paget, who had been raised by Somerset, and sir William Cecil, afterwards distinguished in a policy more acceptable to protestants, were among the most forward persons in their respective parts of the reconciliation. For a time it was difficult to reconcile the pious cardinal or the indignant pontiff to the condition most essential to the peace of the papacy with England,—that of security to the possessors of abbey lands. At last, as an expedient for reconciling the unquiet minds of dishonest possessors to the indelible claims of the church on her ancient property, powers were given by the pope to the legate "to remove all trouble or danger which by canons or ecclesiastical decrees might touch the possession of such goods." ‡ This form was adopted, and it seems to have been sufficient according to the doctrines of all reasonable Roman catholics; since it left all questions which directly concerned property to the municipal law and the lay tribunals. It would, perhaps, have been impossible to frame a more comprehensive form of words which did not contain an express renunciation of the papal authority over civil causes, and thus be subject to the very serious inconvenience of being liable to be understood as an admission by the state, that such papal authority previously subsisted, or interpreted as a confession by the pope, that his predecessors had been guilty of flagrant usurpation. Practically speaking, it is evident that whoever could violate the obvious sense of this dispensation would not be more bound by stronger words.

On the 20th of November, 1554, cardinal Pole arrived at Dover, armed with apparently full power to do all the acts which were necessary to reconcile the English

* 1 & 2 Philip and Mary, c. 10. s. 3.
† Lords' Journ. 17th to 21st November.
‡ 1 & 2 Philip and Mary, c. 8. Stat. of the Realm.

nation to the church of Rome. At Gravesend he was presented by the earl of Shrewsbury and the bishop of Durham with the act which reversed his attainder. A royal barge was sent by their majesties to convey him; and as they desired that he should display the ensigns of his legatine powers, a silver cross was placed on high on the prow of the barge. After a joyful reception at court he withdrew to the palace of Lambeth, which, being now vacant by Cranmer's attainder, was magnificently furnished for the purposes of accommodation and state.

On the 28th of November he came to the house of peers, and being introduced by Gardiner the chancellor, he addressed both houses in a speech, in which he said, "that having for many years been excluded, not only from that assembly, but also from his country, by laws enacted personally against himself, he should ever be grateful for the repeal of those laws; and that in return he was come to inscribe them denizens of heaven, and to restore them to that christian greatness which they had forfeited by renouncing their fealty. That to reap so great a blessing it only remained that they should repeal the laws which they had enacted against the holy see, and by which they had cut themselves off from the body of the faithful." On Thursday the 29th of November, 1554, the formal reconciliation to the catholic church of the only great monarchy which had separated from her communion was solemnised with that dignity and splendour which became the most momentous transaction which had for several ages occurred in Christendom.

The queen and the king being placed in regal state in the great hall of the palace*, the legate, who was a prince of the blood as well as of the church, took his seat beside them at some distance. A humble supplication of the lords spiritual and temporal, and commons, in parliament assembled, on behalf of the whole realm, was then presented to their majesties, beseeching those royal persons, unpolluted themselves by heresy, to make inter-

* At Whitehall.

cession with the lord cardinal, the legate of the apostolic see, for their re-admission within the sacred pale of the church, and for an absolution from the consequences of their offences, on condition of their proving themselves to be true penitents by the repeal of all the laws against the catholic religion and the holy see, passed in the season of their delusion. The intercession having been made by Philip and Mary, the legate then pronounced an absolution of the parliament and the whole realm from all heresy and schism, and from all judgments and pains for that cause incurred. Many of the persons present burst into tears of joy at this most happy of all human occurrences. The news spread over Europe with gladness and speed. The pope celebrated the second conversion of England to Christianity by a solemn procession, and ratified all the acts of his faithful legate.

The king, queen, and legate, together with both houses of parliament, chanted Te Deum in the chapel of the palace. The agitation of Mary was so great, that she imagined some internal disturbance to be the first movement of an unborn infant, who gave this sign of life. So entire was the belief yielded to this female fancy, that the parliament besought the king to undertake the guardianship of the child thus announced at an auspicious moment. The privy council had on the day before enjoined Bonner to direct Te Deum to be sung throughout his diocese "for the good hope of certain succession to the crown." Weston, dean of Westminster, framed a form of prayer for the safe delivery of Mary. Another prayer contained these petitions: "Give therefore unto thy servants Philip and Mary a male issue, which may sit in the seat of thy kingdom. Give unto our queen a little infant, in fashion and body comely and beautiful, in pregnant wit notable and excellent."

It was not long before the hopes so fondly nursed were utterly dispelled. The queen, soured by early injustice, derived little consolation from an austere and morose husband, who was as capable, indeed, of faithful attachment, as he was inflexible in his odious qualities,

but who placed his dignity in coldness, and was not likely to be taught by Mary to feel emotions so foreign to his character as those of tender affection. It is probable that he saved the life of Elizabeth, not from pity, for of that infirmity he would have been ashamed*, but from the influence of one of those undercurrents in human affairs which often counteract a general course of policy. With all his zeal and ambition, one of his prevailing dispositions was jealousy, and fear of his formidable neighbour and rival the king of France. As soon as he despaired of issue by Mary, he perceived that all consistent catholics would consider the hereditary right to the crown of England as devolving on Mary Stuart queen of Scots, the niece of Henry VIII. by his eldest sister Margaret.

England and France had struggled for the disposal of the hand of this beautiful child. The ancient connection with France, and long jealousy of the designs of the nearer neighbour against national independence, together with the blind and passionate measures of the English government, threw the prize into the hands of the French monarch. Her marriage to the dauphin was hastened by a grasping policy, before the natural age of such connections; after which the wedded pair were made to assume the title of king and queen dauphin. To prevent England from falling under their power, after the death of a hypochondriacal and childless queen, it became an object of Philip's policy to preserve Elizabeth, who by the will of Henry VIII., and in the opinion of her protestant subjects, had a preferable title to that of the queen-dauphiness. To have a hostage in his hands, with pretensions so specious, was on all suppositions an object of the utmost importance to him. Whether he destined her for the duke of Savoy or the king of Sweden, or already contemplated the possibility of espousing her himself†, it was equally

* Cabrera, Filipe Segundo. Madrid, 1619.

† That he proposed himself to her on the death of her sister is asserted in the Mémoires de Nevers, and somewhat countenanced by the president Henault. The last writer enquired and knew more than the shortness of his narrative, and a certain prudery of station, allowed him to disclose.

necessary to his design that he should put on the unwonted garb of clemency. Elizabeth had hitherto lived in a continued expectation of death. Bedingfield was disgusted at the indulgence shown to her by Williams. He forbade her to amuse herself by looking at a game of chess. The access of her own attendants was on one occasion prohibited, and she suspected that orders had been given to put her privately to death. Many traces of her residence were discoverable at Woodstock in very recent times.* A New Testament is still preserved, which bears the initials of Elizabeth the captive, in her own beautiful handwriting. She wrote the following words on it, with a mixed allusion to her religious consolations and solitary walks, which, though quaint, are yet touching: —"I walk many times into the pleasant fields of Holy Scriptures, where I pluck up goodly sentences by pruning, eat them by reading, chew them by musing, and lay them up at length in the high seat of memory; that having tasted their sweetness, I may the less perceive the bitterness of this miserable life."† One of her visits to her sister at Hampton Court displayed the subtle devices of a Spanish politician in that age. Being conducted at midnight, by torch-light, to the queen's apartment, when she had fallen on her knees, and poured forth professions of loyalty, Philip was concealed behind the tapestry, in order that he might seem, if it had been necessary, the protector of the princess from the passionate temper of her sister. She was sent to Hatfield, a royal palace, under the mild guardianship of sir Thomas Pope, a catholic gentleman, who did as much as he could to mitigate her imprisonment; although the stress laid by historical writers on some instances of common civility manifests their sense of the rigour of his instructions.

The situation of Elizabeth must have been embittered by the sufferings of all those who were attached to her,

* Warton's Life of Sir T. Pope, 71. To the singularly bad taste of lord treasurer Godolphin, who complained to the duchess of Marlborough that a pile of ruins in front of her palace was an unseemly object, we owe the destruction of "*Queen Elizabeth's chamber.*"

† Warton's Pope, 73.

or whom she was accustomed to respect. An act was passed by the parliament of 1554, previous to the absolution, and, as if it were a fit preparation for it, for the *revival* of the statutes of Richard II., Henry IV., and Henry V. against heretics, and especially against Lollards; which revival was to take effect from the 20th of January, 1555. The most important of these persecuting statutes was that of Henry IV.*, which seems alone to have prescribed or pointed out a regular mode of inflicting capital punishment on heretics either refusing to abjure their errors or relapsed into them after abjuration. In either of these cases, when the diocesan pronounced that the heretic should be left to the secular arm, the sheriff or other local magistrate was required "to receive the heretics, and then, on a high place, before the people, to cause them to be burnt." On this statute was founded the ancient writ "on burning a heretic," which appears to have been the only legal warrant for execution by the lay magistrate. The act of the six articles† had virtually abrogated the ancient statute against Lollardy, by denouncing inferior punishments against the greater part of such offences. With the statute was now revived the process for its execution. Before that revival it does not appear that there was any system of jurisdiction or mode of procedure for the trial of heresy; though in the case of anabaptists and anti-trinitarians, who were considered as offenders against the essentials of Christianity, the ancient law was followed as if it had been still in force. The Roman catholic church was regarded as having preserved the fundamental articles of the christian faith, though encumbered and obscured by corruptions. No Roman catholic was treated as a heretic in the reign of Edward. It has been said that "the Reformation of Laws," composed in the latter part of that prince's reign, does indicate preparations for severity against the adherents of the old religion. This statement is chiefly

* 2 Hen. 4. c. 15. *de heretico comburendo.*
† 31 Hen. 8. c. 14.

grounded on a text of that projected code, which directs that contumacious and incorrigible heretics, after all other means have been exhausted, shall be at length delivered to the civil magistrate to be *punished*.* It is assumed that the punishment must be death. Yet in the very first article of the code, which relates to atheists and unbelievers in Christianity, death is denounced against them in express words.†

The admission of it into another article, by mere implication, is therefore unreasonable. It is too terrible an enactment to be admitted without express words. If punishment is held to be synonymous with capital punishment, by force of this clause death must be applied to all heresies. If it was intended to confer on the civil magistrate a large discretion in the infliction of inferior punishments for the enumerated heresies, the article is perfectly agreeable to the practice of the framers, and the opinions of the times. It is incredible that capital punishment could be denounced against the whole of a long series of heresies, of which the catalogue nearly occupies twenty quarto pages, besides what is called a monstrous heap of other errors ‡ less necessary to be specified, as being less prevalent in that age. Even admitting this unreasonable construction of the plan for a reformed code, it affects only the reputation of the projectors. It never was adopted by public authority. It was not laid before parliament. There is no reason to doubt that the protestant parliament would have altered the very articles in question, if, when they were communicated to that assembly, they could be supposed to establish or countenance a practice perfectly at variance with that of the king and

* "Ad extremum ad civilem magistratum ablegatur *puniendus*." (Reform. Leg., de Judic. contra hærcsis, c. 3.)
The interval between "to be *punished*" and "to be *deprived of life*" is rather wide. Another passage is equally conclusive: heretics are expressly declared to be punishable by infamy and civil disabilities, — surely excluding death. Reform. Leg. de Judic. contra hæres. c. 10.
I rather wonder at my friend Mr. Hallam's hesitation in a case which seems to me to allow none.

† "*Vitam illis* abjudicandum statuimus." Reform. Leg. c. 1.

‡ Possit magna colluvies aliarum hæresium accumulari." — Epilog. de hæres.

parliament of England in the reign of Edward VI. To hold that a few words in a Latin manuscript, of projected but not adopted laws, not printed till many years afterwards, could have been the incentive of those who kindled the fires of Smithfield under Mary, is one of the most untenable of all positions. Truth and justice require it to be positively pronounced, that Gardiner and Bonner cannot plead the example of Cranmer and Latimer for the bloody persecution which involved in its course the destruction of the protestant prelates. The anti-trinitarian and the anabaptist, if they had regained power, might indeed have urged such a mitigation, but the Roman catholic had not even the odious excuse of retaliation.

The year 1555 opened under the saddest and darkest auguries for the now devoted protestants. A solemn embassy was sent to Rome, to lay at the feet of his holiness the penitential homage of his erring children in England. On the 23d of January, the bishops went to Lambeth to receive cardinal Pole's blessing. He advised them to treat their flocks with gentleness. On the 25th, Bonner, with eight bishops, and a hundred and sixty priests, made a procession throughout London, to return thanks to heaven for the recovery of the kingdom. In the midst of these joyful thanksgivings effectual preparation was made for scenes of another kind. As soon as the solemnities of reconciliation were completed, at the earliest moment that the nation could be regarded as once more a member of the catholic church, a sanguinary persecution was not threatened or prepared, but inflicted, on the prelates, ministers, and members of the reformed communion. It was the first measure of the restored church of Rome. On the 28th of January, a commission, at the head of which was Gardiner, lord chancellor, and bishop of Winchester, sat in the church of St. Mary Overies, in Southwark, for the trial of protestants. His great abilities, his commanding character, and the station which he was now chosen to fill, do not allow us to doubt that he, at least in the beginning, was the main

author of these bloody counsels, although perhaps he did not mean that the persecution should extend beyond the eminent ecclesiastics whom he called the ringleaders of sacrilegious rebellion. This is at least agreeable to the maxim said to have been uttered by him against mercy to the princess Elizabeth, which, if he ever used it, must have been pronounced when the imperial ambassadors urged a similar advice, "that it was vain to cut away the leaves and branches, if the root and trunk of rebellion were spared."*

Hooper, bishop of Gloucester, an ardent, austere, and scrupulous protestant, inclined to some of the opinions afterwards called puritanical, and Rogers, a clergyman of Essex, were the first martyrs in this persecution. Rogers, on his examination, said to Gardiner, "Did you not pray against the pope for twenty years?"—"I was forced by cruelty," answered Gardiner."—"Will you," replied Rogers, "use cruelty to others?"† After his condemnation, he besought his judges to grant him an interview with his wife, a helpless foreign woman, who had born to him ten children. So much had the sophistries of a canonist silenced the feelings of nature in the breast of Gardiner, that he had the brutality to aggravate his refusal at such a moment by saying, "She is not your wife." On his way to Smithfield on the 4th of February, 1555, he met his faithful and beloved wife with her ten children, one of whom she was suckling. He was unshaken by that sad scene, and he breathed his last triumphantly in the midst of suffocating flames.‡

Hooper was sent to die in his episcopal city. He,

* Fuller, book viii. sect. 2.

† I quote with pleasure from the work of a tolerant and liberal Roman catholic, my learned and venerable friend Mr. Butler. Hist. Account of English Catholics, i. 133.

‡ "The married clergy were observed to suffer with most alacrity. They were bearing testimony to the validity and sanctity of their marriage; the honour of their wives and children were at stake; the desire of leaving them an unsullied name, and a virtuous example, combined with a sense of religious duty; and thus the heart derived strength from the very ties which in other circumstances might have weakened it." These are the just and beautiful reflections of a fine writer, who should have transplanted into his writings more of the benevolence of his nature and of his life.—Southey, Book of the Church, ii. 151.

too, was vainly tempted by a pardon held out at the edge of the pyre which was about to be kindled to consume him. The green wood burnt weakly. He called upon the people to bring more fire, for the flames burnt his limbs without reaching his vitals. He was three quarters of an hour in dying. One of his hands dropped off before his death. But he died with feelings of triumphant piety. To pursue the particulars of these cruelties more minutely is beside the purpose of such an undertaking as the present. They excited general horror, aggravated, doubtless, by the consideration that they were not acts of retaliation for like cruelties suffered by catholics. Gardiner, disappointed by so firm a resistance, withdrew from a share in vain bloodshed. Even Philip was compelled to cause one of the most celebrated of his Spanish divines to preach against these odious proceedings.* Many of the catholic prelates are recorded by protestant writers to have exercised effectual and perhaps hazardous humanity. Tunstall, bishop of Durham, appears to have sometimes spoken to the accused with a violence foreign from the general tenor of his life. It has been suggested that, according to a practice of which there are remarkable instances in other seasons of tyranny and terror, he submitted thus far to wear the disguise of cruelty, in order that he might be better able to screen more victims from destruction. The task of continuing the system of blood devolved on Bonner, bishop of London, a man who seems to have been of so detestable a nature, that if there had been no persecution he must have sought other means of venting his cruelty. Petitions against the proceedings of government were transmitted to the queen from the protestant exiles who took refuge abroad, and who too transiently and scantily imbibed somewhat of the spirit

* Burn. book ii. A. D. 1555. Carranza, afterwards the celebrated and unfortunate archbishop of Toledo, was one of the preachers who accompanied Philip. He attended the emperor in his last moments. But though eighteen years a prisoner in Spain and at Rome, he seems to have been a zealous catholic. Llorente, Hist. Crit. de l'Inquisition de l'Espagne, iii. 183. 304.

He boasts, in his dying confession, of having caused the bones of heretics to be dug from their graves in England. Yet he might have preached a sincerely tolerant sermon.

of religious liberty in the severe school of beggary and banishment.

While the humanity of the people was roused against cruelty, the alarm of the nobility for their large share in the plunder of the church was excited by causes of a very different and much more ignoble nature.

The pope, who had received the English ambassadors at Rome with all the splendour fit for the ministers of a great crown despatched on so happy an errand, thought it necessary to expostulate with them in private on the detention of the goods of the church, of which it was necessary to restore the uttermost farthing, because the things that belong to God never can be applied to human uses, and they who withhold the least part of them are in a state of damnation.* It is not difficult to understand the expedients by which the ingenious and refined sophists of Rome might reconcile this private language of the pope with his public acts. "True," it might be said, "his holiness had remitted all ecclesiastical censures, and dispensed with all ecclesiastical prohibitions respecting the property of the church in England; but he could not wash out the indelible turpitude of rapine, nor profane the things set apart for the worship of God. From the penalties of the canon law he had released the holders of church lands, but he could not release them from being answerable to God for a breach of the eternal and immutable laws of justice." Whoever, indeed, is thoroughly imbued with the important distinction between an immoral and an illegal act, will own that this dangerously applied reasoning is not initself altogether void of some colour.

Mary was not slow in listening to the counsels of the

* Fra Paolo, lib. v. A. D. 1555. Storia del Conc. Trident. In this case cardinal Pallavicino, who wrote from the archives of the court of Rome for the purpose of discrediting Fra Paolo, confirms it by a remarkable and otherwise inexplicable silence. For while he impugns at great length the narrative of the Venetian respecting the conversation of the pope with ambassadors about the title of kingdom conferred on Ireland, he passes over in silence the remonstrances of the same pontiff against the detention of ecclesiastical property in England, which so acute and vigilant an antagonist would certainly have contradicted if he durst.—*Pallav. Istor. del Conc. Trident.* lib. xiii. c. 12.

In c. 13. there is almost a positive admission of the veracity of Fra Paolo.

supreme pastor. She restored that portion of the confiscated property which still remained in the hands of the crown. But the pious princess, if we may believe Pallavicino, "deemed it advantageous to use condescension to private individuals who held the greater part of the confiscations, lest she might enrol the numerous usurpers of abbey lands under the standard of an ill suppressed heresy." *

The number of sufferers in the very humblest conditions of life has sometimes been mentioned as extenuating the merit of their martyrdom. It may assuredly be represented with more reason as an instance of the power of conscience to elevate the lowest of human beings above themselves, and as a proof of the cold-blooded cruelty of the persecutors, who, in order to spread terror through every class, laboriously dug up victims from the darkest corners of society, whose errors might have hoped for indulgence from any passion less merciless than bigotry. Among the leaders of the reformed church, Ridley, the most moderate, and Latimer, the simplest and frankest of protestant prelates, perished in the flames at Oxford, on the 16th of October, 1555. In this persecution, it is needless to add that their death was worthy of their cause; for all the martyrs deported themselves fearlessly, and often joyfully. Among the expedients employed to annoy them, one of the most effectual was that of pretended conferences on the disputed doctrines, in which the audience was so carefully selected that they always gave the honours and applauses of victory to the prevailing faction. These conferences were a series of insolent triumphs. On one of them being proposed by Bonner to Philpot, a noted divine among the protestants, he answered well, by quoting the words of Ambrose archbishop of Milan to the emperor Valentinian: "Take away the law, and I will reason with you †;" an answer to which, though perfectly conclusive, few but the weaker party appeal.

* Card. Pallav. lib. xiii. c. 13.
† "Tolle legem et fiet certamen."

Every reader of this part of history will desire somewhat more information respecting the fate of Cranmer, the first patriarch of the protestant church of England, — a man who, with all his infirmity, would have been blameless in an age so calm as to require no other virtues than goodness and benignity. He was committed to the Tower for treason in September, 1553. In October he was convicted of high treason for his share in the lady Jane's proclamation. In the next year he obtained a pardon, the government purposing to convict him of heresy, which from them he considered as no reproach, though he had earnestly solicited a pardon for a breach of allegiance. The Tower was for a time so crowded that Cranmer, Ridley, Latimer, and Bradford, were thrust together into one chamber. In the month of April of the succeeding year, Cranmer, Ridley, and "old father Latimer," were removed from the Tower to Oxford, for the purpose of a disputation. The demeanour of Cranmer was acknowledged by his opponents to be grave and modest. Latimer declared that, by reason of his old age, his infirmities, and the weakness of his memory, he could not bear a debate. Weston the prolocutor, the enemy of Cranmer, commended his modesty and gentleness, as well as his learning and skill as a disputant. He was permitted to survive his colleagues for many months. A new commission was obtained from Rome, in order that the more rigorous adherence to the forms of law might be perfectly evident in the case of this eminent primate. Unhappily for his reputation, he made some of those repeated applications to Mary for pardon by which he had before escaped out of extraordinary peril: it is true that in his successive letters to her he reasoned and expostulated with her upon her own administration; but his enemies saw his infirmity through the disguise of apparent boldness and liberty. He was entertained, if we may entirely trust protestant writers, by the catholic dean of Christchurch, where he was treated with much courtesy and hospitality, while his hopes and his fears were practised on by men of whom some might have

really wished to save his life: in an evil hour he signed his recantation. It has been plausibly conjectured by Burnet, that the writ for putting him to death was sent down to Oxford early in the long period between the date and the execution, to be shown to him in order to work more effectually on the fears incident to feeble age. Whether he could have been persuaded to adhere to that disgraceful act for the miserable sake of a few years of decrepitude, is a question which the unrelenting temper of Mary renders it impossible for us to answer. On Saturday the 22d of March, 1556, he was, without warning, though not without expectation, brought forth to be burnt in front of Baliol College, after a sermon preached in St. Mary's before the university, by Cole, provost of Eton College, who was sent by the queen to Oxford to preach on that dire occasion. After the sermon, the demeanour of the archbishop cannot be so well described as it is in the letter of an eye-witness, a humane catholic, who condemned the error of Cranmer, but was touched by his gentle virtues, and could pity his infirmities.* "I shall not need to describe his behaviour for the time of the sermon; his sorrowful countenance, his face bedewed with tears, sometimes lifting his eyes to heaven in hope, sometimes casting them down to the earth for shame; an image of sorrow, but retaining ever a quiet and grave behaviour, which so increased the pity in men's hearts that they unfeignedly loved him; hoping that it had been his repentance for his transgressions and errors." But Cranmer, in his address to the audience, undeceived them concerning the cause of his contrition and the object of his regret. "Now," said he, "I am come to the great thing that troubleth my conscience more than any other thing that I ever said or did in my life, and that is the setting abroad of writings contrary to the truth; which here now I renounce and refuse as things written with my hand, contrary to the truth which I thought in my heart, and writ for fear of death and to save my life if might be, and that is all such papers as I have written

* Strype's Memorials of Archbishop Cranmer, i. 544. ed. Oxford, 1812.

or signed since my degradation, wherein I have written many things untrue. And forasmuch as my hand offended in writing contrary to my heart, my hand when I come to the fire shall first be burned." He added some terms of needless insult against the pope, which he perhaps thought necessary as a pledge of his sincerity; whereupon, "admonished of his recantations and dissembling, he said, 'Alas! my lord*, I have all my life loved plainness, and never dissembled till now against the truth, which I am most sorry for;' and here he was suffered to speak no more." — "Then he was carried away. Coming to the stake with a cheerful countenance and willing mind, he put off his garments with haste and stood upright in his shirt. He declared that he repented his recantation right sore; whereupon the lord William cried '*Make short, make short!*† Fire being now put to him, he stretched out his right hand and thrust it into the flame, and held it there a good space before the fire came to any other part of his body, where his hand was seen of every man sensibly burning, crying with a loud voice, 'This hand hath offended.' "—"His patience in the torment, his courage in dying, if it had been for the glory of God, the weal of his country, or the testimony of truth, as it was for a pernicious error, I could worthily have commended the example, and marked it with the fame of any father of ancient time. His death much grieved every man: his friends for love, his enemies for pity; strangers for a common kind of humanity, whereby we are bound one to another." To add any thing to this equally authentic and picturesque narration from the hand of a generous enemy, which is perhaps the most beautiful specimen of ancient English, would be an un-

* Probably lord Williams of Thame. The privy council wrote circular letters to the nobility and gentry, desiring their attendance at the burnings, with that of all those whom they could influence. They even thanked those gentlemen for compliance, and addressed letters of thanks to those of the gentry of Essex, who, though not written to, had (in the words of the privy council) "honestly and of themselves gone thither;" that is, "to the burnings at Colchester."—*Book of P. C.* in *Burn.* book ii. A. D. 1555.

† It is not unworthy of remark, that lord William was considered as the mildest of the princess Elizabeth's jailors. Of what stuff must the sterner have been made?

skilful act of presumption. The language of Cranmer speaks his sincerity, and demonstrates that the love of truth still prevailed in his inmost heart. It gushed forth at the sight of death, full of healing power, which engendered a purifying and ennobling penitence, and restored the mind to its own esteem after a departure from the onward path of sincerity. Courage survived a public avowal of dishonour, the hardest test to which that virtue can be exposed; and if he once fatally failed in fortitude, he in his last moments atoned for his failure by a magnanimity equal to his transgression. Let those who require unbending virtue in the most tempestuous times condemn the amiable and faulty primate; others, who are not so certain of their own steadiness, will consider his fate as perhaps the most memorable example in history, of a soul which, though debased, is not depraved by an act of weakness, and preserved a heroic courage after the forfeiture of honour, its natural spur, and, in general, its inseparable companion.

The firm endurance of sufferings by the martyrs of conscience, if it be rightly contemplated, is the most consolatory spectacle in the clouded life of man; far more ennobling and sublime than the outward victories of virtue, which must be partly won by weapons not her own, and are often the lot of her foulest foes. Magnanimity in enduring pain for the sake of conscience is not, indeed, an unerring mark of rectitude; but it is, of all other destinies, that which most exalts the sect or party whom it visits, and bestows on their story an undying command over the hearts of their fellow men.

It is painful to relate that Pole was installed in the archiepiscopal throne of Canterbury on the day of Cranmer's cruel death. There seems to be no doubt that his temper disinclined him to severity, if his convictions did not allow him to regard toleration as a duty. "He never," says Burnet*, "set on the clergy to persecute heretics, but to reform themselves." Yet, "even in Canterbury, he left the protestants to the cruelties of the

* Burnet, Reform. v. ii. part i. 511. ed. London, 1820.

fiercer clergy, and thought he did enough when he discouraged persecution in private." In a word, he did not do evil, but he did not withstand it. His accomplishments were far more bright than those of Cranmer; but, in a good heart not enough seconded by a brave spirit, these adverse prelates resembled each other not a little.

The sufferings of Pole's family and his own from the tyrant whom they regarded as the representative of the protestant religion are, doubtless, no inconsiderable alleviation of his acquiescence in cruelties which were alien from his disposition. His suffragan bishop of Dover, and the archdeacon of Canterbury, appear to have been among the most active persecutors.

Of fourteen bishoprics, the catholic prelates used their influence so successfully as altogether to prevent bloodshed in nine, and to reduce it within limits in the remaining five. Justice to Gardiner requires it to be mentioned that his diocese was of the bloodless class. Thirlby bishop of Ely, who wept plentifully when he was employed in desecrating Cranmer, perhaps thought himself obliged to cause one man to be burned at Cambridge as an earnest of his zeal. "Bonner," says Fuller, "whom all generations shall call bloody," raged so furiously in the diocese of London, as to be charged with burning about one half of the martyrs of the kingdom. Truth, however, exacts the observation, that the number brought to the capital for terrific example swells the apparent account of Bonner beyond even his desert. Christopherson, bishop of Chichester, who, in his youth, had translated the account of the persecutions of the Christians by Eusebius, practised the like cruelties in his unfortunate diocese with the hardness and bitterness of an old polemic.*

The total number of those who suffered in this persecution, from the martyrdom of Rogers, in February 1555, to September 1558, when its last ravages were felt, is variously related, in a manner sufficiently different to

* Fuller, book viii.

assure us that the relaters were independent witnesses, who did not borrow from each other, and yet sufficiently near to attest the general accuracy of their distinct statements. By Cooper they are estimated at about 290. According to Burnet they were 284. Speed calculates them at 274. The most accurate account is probably that of lord Burleigh, who, in his treatise called "The Execution of Justice in England," reckons the number of those who died in that reign by imprisonment, torments, famine, and fire, to be near 400, of which those who were burnt alive amounted to 290. From Burnet's Tables* of the separate years, it is apparent that the persecution reached its full force in its earliest year; since, in ten months of 1555, there were seventy-two persons burnt; and the number of thirty-nine in seven months of 1558, proves that it had retained its vigour to the last. The delay of its commencement is imputable to no cause but the impossibility of adopting it till the formalities of the national reconciliation with Rome were completed. There is no reason to suppose, that if Mary had continued to live and to reign, the persecution would have been slackened in its course. The stories in Fox's "Martyrology" are not, indeed, to be indiscriminately believed. That honest but zealous and credulous writer would himself reject the commendation of impartiality: but lord Burleigh, who, if he be wrong, has not the same excuse with Fox, positively affirms that more than threescore women and more than forty children† were burnt; that among the women "some were great with child, out of whose bodies the child by fire was expelled alive, and yet also cruelly burnt."‡ To determine the proba-

* Strype's Eccles. Mem. c. lxiv. Burnet's Table is as follows: —

1555.	burnt 72
1556.	burnt 94
1557.	burnt 79
1558. from February to September	39
	284; an average of 71 a year.

Had the reign been as long as that of Elizabeth, the whole amount would have exceeded 3500.

† Strype, ibid.

‡ Lord Burleigh.

bility of these "examples of more than heathen cruelties," it is proper to observe that they would be incredible if they were represented as part of the deliberate scheme and original design of a persecution; but in the dreadful confusion of such scenes very violent acts are likely to spring up, of which the persecutor himself did not purpose to sow the seeds. When the victims were crowded, when they were regarded by most visiters on such occasion as children of Satan, when some bigots were incensed at the obstinate dissent of the heretics, others were provoked by just reproaches, and even by the cries excited by torture which ought to have filled them with pity. The wicked took an active part, to satiate their malice; the weak, sometimes perhaps, to silence their remorse; the base, very often to recommend them by forward zeal, to patrons who would in general have disowned them. Originally composed of the most ignorant and the worst men of a country, the habitual attendants on such occasions became in process of time more and more hardened, until wanton, unprofitable, disinterested cruelty, the most hellish of all the inducements to human action, might stimulate a few chosen miscreants to deeds which men who live in better times are unable to comprehend, and all good men are loth to believe. A country in such circumstances may exhibit some of those unutterable horrors which are perpetrated in great cities taken by storm.

To complete the estimate of the horrible consequences of the persecution, the number of fugitives who sought an asylum from it among foreign protestants ought not to be overlooked. The free cities of Frankfort and Geneva, together with the protestant cantons of Switzerland, opened their gates to the English exiles. Calvin and Beza at Geneva received them with open arms. Many of them imbibed a preference for the simple worship and republican equality of the Calvinistic churches, which became visible in their conduct after their return, and in the next century generated controversies which shook the British dominions to their deepest foundations. In this

exile, John Knox learned the rudiments of that ecclesiastical polity which kindled the spirit of civil liberty in Scotland. The principles of absolute monarchy and religious intolerance gave birth to the emigration of those protestants who were provoked and prepared by exile for the overthrow of these principles, and for widening the distance from their grand seat and support at Rome. These protestants, afterwards called puritans, came at length to estimate their approach to truth by their remoteness from the Romish church, and to consider usages in themselves innocent, or even useful, as almost criminal if they bore any likeness to the ancient ritual common to the Latin church with all other christian communions. No sooner had these exiles obtained an asylum at Embden, Wesel, Arau, Strasburg, Zurich, and Frankfort, than they began to differ from each other with tempers embittered by misfortune. Among other matters which excited war among the exiles at Frankfort, whence dissension spread to the other towns, was the resolution of that church to exclude the responses of the congregation in public prayers, and to reject as superfluous and superstitious the litany, the surplice, and other parts of the ceremonial which the Anglican church had adopted from the practice of venerable antiquity. Who could have foreseen that such controversies would have subverted thrones, and deluged kingdoms with blood. Calvin himself recommended a conformity to the English liturgy for which martyrs were now spilling their blood, until its compliances with superstition could be reformed by competent authority. Cox, the tutor of Edward VI., was confident in his learning, and attached to every part of the reformation in which he had a share. The unconquered soul of Knox disdained submission to human authority, and regarded every usage of the church of Rome as polluted by her adoption. Misfortune disturbs the judgment as much as prosperity, or, as a quaint but very significant writer expresses it, "Man in misery as well as man in honour hath no understanding." * The attempts of the

* Fuller, b. viii.

magistrates of Frankfort and of the clergy of Geneva to compose the discords of the exiles, although in the presence of a common and cruel enemy, were utterly unavailing. The ceremonial of worship, though in the eye of religion as well as of reason of secondary importance, is better adapted than doctrines to be the visible symbols of a party and the badges of the hostility of factions to each other. The greens and blues of Constantinople, the blacks and whites of Florence, the white and red roses of ancient England, the orange and blue parties of more recent times, were differences legible to the most ignorant eyes. The colours often serve to assemble the adherents of each party after they have altered, nay exchanged, their original opinions. But in the case before us, though what struck the eye of the bystander might seem frivolous, yet principles of high importance lurked under this surface. When the minds of men are full of reforming spirit, and predisposed to the distempers which are engendered by such fulness, a little matter sometimes occasions rather than causes dangerous symptoms to appear. The same quaint but very interesting writer who has been already quoted, appeals, in his account of their division, to an adage of Solomon, which, however homely in expression, is of remarkable wisdom: "The wringing of the nose bringeth forth blood; so the forcing of wrath bringeth strife."*

The pretensions of the English church to an authority over conscience in the form of prayer, seemed to the puritans to be a remnant of papal despotism. It was apparently the surplice and the litany to which the puritans objected. It was partly so in reality, inasmuch as the usages and devotions employed by the English church appeared to the most zealous of protestants, badges of the papacy which they abhorred. But another principle worked at the bottom, of which they were themselves unconscious, namely, that of hostility to the imposition of these ceremonies by human authority.

John Fox the martyrologist was one of the stricter

* Proverbs, xxx.

sect. His reputation for learning and honesty, however, made him a tutor in the first catholic family of England. He was concealed by the duke of Norfolk from a severe search made for him by Gardiner. His account of the sufferings of his fellow religionists under Mary was, perhaps, the most effectual of all dissuasives from reconciliation with Rome. He abhorred falsehood, but he was very often deceived. When called before archbishop Parker to subscribe a declaration that he approved the ecclesiastic vestments, he took a small Greek new testament out of his pocket, and said,—"To this I will subscribe!" Through the friendship of the bishops, however, who were mostly his fellow exiles, he retained a prebend of Salisbury till his death. Elizabeth called him constantly her "father Fox," but she unhappily rejected his eloquent supplication for sparing the lives of Flemish anabaptists, for which he ought to be held in everlasting honour.* He was probably among the first protestants who combined a zeal so ardent with so wide a toleration.

It is consolatory to learn that the pious exiles were liberally relieved by the bounty of their countrymen. Sir John Clerke, sir Richard Morison of Cashiobury, sir Francis Knollis, sir Anthony Cook the father of the ladies Burleigh and Bacon, celebrated for their learning, together with dame Dorothy Stafford, and dame Elizabeth Berkeley, were among the most conspicuous benefactors of the exiles. "Although great the distance between London and Zurich, merchants," says Fuller, "have long arms, and by their bills of exchange reach all the world over." The king of Denmark, the elector-palatine, the dukes of Wirtemberg and Deux Ponts, with all the protestant free cities, stretched forth their arms for the relief of the sufferers for conscience' sake. Even the

* "Verum ignibus et flammis æstuantibus viva miserorum corpora torrefacere, judicii magis cœcitate quam impetu voluntatis errantium, durum istud ac Romani magis exempli quam evangelicæ consuetudinis videtur." "Id unum valde deprecor ne pyros ac flammas Smithfieldianas jamdiu faustissimis tuis auspiciis huc usque sopitas sinas nunc recandescere."—*Fuller*, b. ix. A. D. 1575.

The writ de heretico comburendo had then slumbered for seventeen years before this application.

divines of Germany and Switzerland learned, on this occasion, a generous frugality, which enabled them to extract from their own modest stipends the means of giving alms to their brethren. Some of them earned their bread by writing books; others by correcting the press.

The exiles and the protestants who remained at home saw in the Netherlands, a country nearly connected with England, and under a sovereign not otherwise of a cruel nature *, persecutions carried on, by which they were led to consider their own sufferings as only a foretaste of what might be inflicted on the followers of their religion. Father Paul assures us, that from the first edict of Charles V. to the treaty of Cateau-Cambresis, in 1558, 50,000 men had been hanged, beheaded, burned, and buried alive for their religion †; and Grotius, who computes the number to be double, may be easily reconciled with the Italian historian, if we bear in mind that the admirable annalist of Holland comprehended the period of thirty years later. These enormities, under the rule of an experienced and politic monarch, taught the English what they had to dread from those who not only were actuated by the fiercest passions of bigots, but who also considered bigotry as the first principle of civil prudence.

Two days before the death of Charles V. he added a codicil to his will, in which he exhorts his son to inflict signal and severe punishment on heretics, "without exception," says he, "of any criminal, and without regard to the prayers or to the rank of the person." "It is dangerous to dispute with heretics. I always refused to argue with them, and referred them to my theologians; alleging with truth my own ignorance; for I had scarcely begun to read a grammar when I was called to the government of great nations." ‡

The history of the persecution is that of Mary's reign. The foreign affairs of her last two years, however, require to be summarily told. Philip was a cold husband.

* "Ingenio alias haud immiti." — *Grot.*
† Fra Paolo, lib. v. A. D. 1558. Grot. lib. i.
‡ Llorente, Hist de l'Inquisition de l'Espagne, ii. 155.

The scanty attractions and importunate fondness of Mary were not likely to prevail over his reserved and haughty disposition. When it became apparent that the prospect of children by her was visionary, he hastened to quit England, and afterwards disregarded the affairs of a turbulent people, on whom he had no hold but the slight thread of the life of a hypochondriacal woman. The only remaining inducement for his interference in English business was the hope of deriving present supply and support, from the passion of his enamoured wife, in his war against France.

In the mean time Philip succeeded to the greatest monarchy of the world, not by the death but by the voluntary abdication of his father. Charles V., depressed and enfeebled by disease, weary of the vulgar irritation of business, and seeking for that sweet repose which every man in his own case fancies that he will taste in retirement, determined on the abdication of his vast dominions, and on hiding himself in the seclusion of a Spanish monastery. On the 25th of October, 1555, he solemnly resigned the sovereignty of the Belgic provinces to his son Philip, in the capital city of Brussels. At this magnificent though mournful ceremony the emperor wept. Many of the beholders were melted into tears. As he delivered his speech, he leant on the shoulder of William of Nassau, prince of Orange, the chief of one of the most illustrious houses of Europe, who had been trained from childhood in the court, and almost in the chamber, of the emperor, in whom that sagacious monarch discerned the seeds of great qualities, though it was altogether beyond the foresight of man to conjecture the purposes to which, in twenty years after, they were to be gloriously applied.* The whole monarchy in Spain, in Italy, in the Indies, was abdicated soon after. All devolved on Philip, except the imperial dignity ; and the territories in Germany, with Hungary and Bohemia, which fell to Ferdinand king of the Romans,

* Thuan. Hist. sui Temp. lib. xvi. c. 20.

the brother of the emperor, and are to this day ruled by his descendants.

As soon as the first cares of the government of so vast an empire allowed Philip leisure, he once more visited England, in the spring of 1557, and had little difficulty in obtaining from Mary a declaration of war against France, in which the injuries most strongly urged were Henry II.'s connection with Northumberland's usurpation, and his support of Wyatt's rebellion. Both these wrongs were resented too late; and the war was not founded on any regard to the safety, the honour, or even the greatness, of England.

Among more recent wrongs were urged the encouragement by France of some revolted protestants in the district of Calais, and the connivance of Henry II. at the equipment of a force with which, in the year 1557, Thomas Stafford, a descendant of the house of Buckingham, landed from France, and possessed himself of Scarborough Castle, which he retained only two days. He and his small band were made prisoners by the earl of Westmoreland, who sent them to London, where, on the 26th of May, about a month after their disembarkation, he was beheaded on Tower-hill, and three of his adherents were hanged at Tyburn. The fires of Smithfield threw light enough on the cause of such revolts; and the interest of Henry to avoid giving offence to Mary renders it probable that he used no means of aiding her revolted subjects.

It was during the visit of the king to England that "an ambassador from the emperor of Cathaie, Muscovia, and Russia" arrived at London. The prince thus designated by our ancient historians was Ivan Vassilowitch II., a barbarian of genius, who reduced the powerful monarchies of Casan and Astracan to Russian provinces, and, by introducing the two contending powers of standing armies and of printing-presses into his country, prepared it for admission into the commonwealth of Christendom. The English mariners, whose daring skill penetrated every sea, had found their way

to Archangel, on the Frozen Ocean, at that time the only seaport by which a commerce could be opened with the vast dominions of Ivan. The commercial enterprise of England, even in that immature infancy, raised the intercourse with these barbaric regions into such importance as to produce this embassy. "The ambassador was honourably received at Tottenham by the merchants of London having trade in these countries, riding in velvet coats and chains of gold, who bare all his costs and charges, from the time of his entry into England, out of Scotland, whither by tempest of weather he was driven."

Even in this reign Philip might have seen an instructive example of regard to that perfect equality in the administration of criminal justice, which an habitual share in its execution as jurors has probably contributed to root so deeply in the hearts of the English people. Charles lord Stourton, a nobleman of ancient lineage and fair possessions in Wiltshire, had, by the help of four of his servants, committed a murder on two persons of the name of Hargill, with whom he had been at variance, but whom he seems to have basely lured into his own mansion for the purpose of assassination. He had buried their bodies fifteen feet deep in the earth; and when the crime was discovered, petitions for pardon were conscientiously rejected by Mary. On the 6th of March, 1557, he was hanged at Salisbury, by a halter of silk, which he obtained as a badge of his nobility, but which, in effect, became a trophy of the victory of justice over dishonoured and abused rank.*

Soon after the declaration of war, the English troops, consisting of four thousand infantry, a thousand cavalry, and two thousand pioneers, joined the Spanish army on the frontiers of Flanders. They were commanded by the earl of Pembroke, and led by the flower of the nobility of England, among whom we are somewhat surprised to find the names of sir Peter Carew and sir William Courtenay, as well as of lord Robert and lord

* Dugdale, ii. 229. Holinshed.

Henry Dudley.* It is not wonderful that some of the English exiles, indignant at their fellow-protestants who fought the battles of their deadly enemy, should have expostulated "with those that are called Gospellers, and yet have armed themselves against the Gospellers to please Jezebel." † Whoever gainsays the indignant reformer is assuredly transported by the excellent virtues of obedience and patriotism beyond their reasonable boundaries.

The combined army was commanded by Philibert duke of Savoy, the most renowned captain of his age, whom Henry II. had robbed of his dominions. Gaspar Chatillon, better known as the admiral Coligny, threw himself as governor into the place of St. Quentin, which was speedily invested by the enemy; his uncle, the constable de Montmorency, advancing at the head of a powerful army intended to raise the siege. These combinations led to the celebrated battle of St. Quentin, which was fought on the 10th of August, 1557. The constable advanced very near, to cover a detachment intended to be carried over a morass, or lake, which extended to the walls of the city. The difficulties in the way of the boats were so unexpectedly great, that the Spanish army attacked Montmorency while his troops were divided and exposed. The defeat was total. The greater part of the artillery was captured. The loss of the Spaniards was inconsiderable. Three thousand Frenchmen were killed, among whom were the most illustrious of the nobles, and the most skilful of the veteran officers. The constable himself was made prisoner, with 6000 men who remained with him.

In spite of the immense loss, and of the dismay, which is generally far more than proportioned to the other evils of discomfiture, Coligny, with his little garrison, maintained his ruined fortress after the defeat and dispersion of his countrymen. The earl of Pembroke with the

* Holinshed, iv.

† Strype's Mem. vol. iii. part ii. p. 604. Oxford, 1822. Christopher Goodman, the author of this language, justly represents those "who maintained wicked Jezebel in her tyranny at home, and her ungodly wars abroad, as aides and helpers of her tyranny."

English auxiliaries seem to have been very active in the attack, perhaps because they were not so much exhausted in the previous engagement. Henry Dudley was killed. Philip rewarded the English with the horrible monopoly of sacking the town. The black Reuters, or mercenary cavalry of Germany, were jealous of this licence for all crimes granted to a favoured nation. A bloody scuffle between the two bands of plunderers closed the scene.

In spite of this defeat the French monarch speedily collected a considerable army, which, about the beginning of January, 1558, advanced, under the command of the celebrated duc de Guise, to avenge the discomfiture at St. Quentin, and to deprive the English of Calais, the only remaining fragment of the Plantagenet monarchy which had once comprehended the moiety of France. This town was dear to the English, as the representative of their ancient renown in war. Brave nations often value possessions more which are the mere prize of valour, than those which produce vulgar advantage. There is something noble, and seemingly raised above base interest, in prizing most highly those places which have no value but that which arises from being the scene of a virtue which reminds a people of the glory of their forefathers. The garrison of Calais amounted only to 800 men. They were aided by 200 townsmen; and the whole population within the walls was 4200. To reduce it cost Edward III. eleven months; and the English flag had waved from its battlements for two hundred years and more. The duc de Guise, having surprised and mastered the outposts, made a feint of preparing for an assault, by a cannonade which destroyed part of the walls. He really contemplated the capture of the castle which commanded the town. Scarcely had he turned his artillery against the castle, when it was evacuated by the garrison, who relied upon the efficacy of a stratagem. They placed several barrels of gunpowder under the castle, and connected them with the place to which they had retired by a train, to which they were to set fire as soon as the French should enter the keep. But, if we may believe

the chronicler, the French, who had waded through the ditch, were so wetted that the moisture dropping from their clothes damped the gunpowder, probably that which formed the train; a small interruption of which must have been fatal to the whole project, which seems also to have been rendered abortive by a partial explosion. Some defence was made after this disastrous occurrence.* But on the sixth night of the siege, terms of capitulation were offered to Guise by lord Wentworth, the English governor of Calais. A capitulation was concluded next morning, by which the surrender of the town, with all its military instruments and stores, was stipulated; and all the inhabitants were allowed to go where they listed, except the governor and fifty persons to be named by the duc de Guise, who were to be enlarged only on the payment of ransom. Thus fell Calais, after a siege of eight days; and the dishonour of the English arms was the more signal, because the place was taken in the midst of winter, when the adjacent ground was covered with water. The surrender was ascribed by general rumour to treachery, the usual expedient by which the mortified pride of a nation seeks to escape from imagined degradation. No nation has less need of such suppositions than the English, yet none, perhaps, is more prone to them. It is apparent that the fall of Calais arose from the inadequacy of the garrison to the defence of the fortress, which must have been the fault either of the government at home or of the earl of Pembroke, the commander of the army in France; if it was not occasioned by the over-ruling influence of Philip II. intent on other objects. The town was cruelly pillaged. "Thus," says old Holinshed, "dealt the French with the English in recompence of the like usage to the French when the forces of king Philip prevailed at St. Quentin, where, not content with the honour of victory, the Englishmen sought nothing more than the satisfying of their greedy vein of covetousness." † Lord Grey made an obstinate defence of the small fortress of Guines, but was compelled to surrender on the 20th of January,

* Holinshed, iv. 90. † Ibid. 92.

with a loss of 800 of his garrison, and after having slain about an equal number of the enemy. From the small fortress of Hammes, which was the only place unsubdued in the English pale, the garrison made their escape by night over a marsh.

The triumphs in France, the sorrow in England, were equally excessive, or, at least, equally disproportionate to their professed and immediate object; for it must be owned that a keen sense of the bitterness of defeat is one of the firmest safeguards of every nation. In the end of January, Henry II. visited Calais in triumph, and loaded the duc de Guise with honours which were well earned by that renowned captain. The greatness of the princes of the house of Lorraine received a new accession by the marriage of their niece, Mary Stuart queen of Scotland, to Francis the dauphin, which was celebrated on the 28th of September, at Paris, with a festal magnificence worthy of the union of the most beautiful queen, perhaps the most beautiful woman of her age, to the heir of the greatest among the European monarchies.*

In the month of September, the emperor Charles V. expired at his seclusion in Estremadura. In England the persecution still vainly raged. On the 17th of November, Mary, deserted by an ungrateful husband, perhaps overcome by misgivings on reviewing her fruitless barbarity, or at least occasionally haunted by those visitings of nature which never leave an undisturbed sway to the artificial power of dogmas, breathed her last in London, to the great relief of the larger portion of her subjects. She died of dropsy, of which the earlier attacks had probably excited her illusive hopes of offspring. When on the point of death she said—"If you open me, you will find Calais written on my heart;" mistaking,

* Buchan. Epithal. Francisci Valesii et Mariæ Stuartæ.

Fortunati ambo et felice tempore nati,
Et thalamis juncti!
Sine milite Scoto,
Nulla unquam Francis fulsit victoria castris.

Eximiæ delectat gratia formæ?
Aspice quantus honor frontis, quæ gratia,
Blandis interfusa genio, &c.

probably, the subject on which her desponding thoughts brooded for the source of disorder, and thus ennobling, by the fiction of a mental origin, a distemper which sprung from causes of a mere bodily and humiliating nature.

Mary is a perfect and conspicuous example of the fatal effects of error in rulers; for to error alone the greater part of the misery caused by her must be ascribed. The stock was sour, and, perhaps, no culture could have engrafted tenderness and gentleness upon it. She adhered to her principles; she acted agreeably to conscience: but her principles were perverted and her conscience misguided by false notions of the power of sovereigns and of laws over religious opinions. A right judgment on that single question would have changed the whole character of her administration, and altogether varied the impression made on posterity by the history of her reign.

On the next day the death of Mary was followed by the demise of her relation, cardinal Pole, a person far more amiable by nature; who, at the time of his decease, was, both by learning and virtue, regarded throughout Europe as the most distinguished ornament of the old church. Messages passed between them to the last moment; and when he was apprised of her departure, he calmly prepared for his own. This dying friendship between the two remnants of a royal race, the stays of an ancient religion, has a natural power of raising the thoughts and touching the feelings of man.

Unhappily, Pole acquiesced in the systematic persecution of protestants. His opinions, indeed, appear to have been those of a good man, disposed to a very merciful application of intolerant laws, rather than denying the justice, or refusing, in cases where all other remedies failed, to carry them into execution.* But it is probable that if he had been the sole master of Mary's councils,

* Thuanus, lib. xvii. Philips's Life of Pole, sect. x. London, 1767; an elegant work, of which this portion is stained by the attempt of the writer to cover his church by an appeal to the exhortation to the civil power, to be merciful on delivering a heretic into their hands, which is an aggravation of cruelty by hypocrisy. He rightly remarks, that Pole's speeches for toleration are the offspring of Mr. Hume's ingenuity.

his lenient temper and christian compassion would have almost stood instead of the principles of religious liberty.

The last act of Mary's reign was the despatch of ambassadors, to negotiate a general peace, to Cambray, then a city of the Low Countries. This important negotiation was not closed till the month of March following: but it was opened by Mary under the influence of considerations which began to outweigh those of local and temporary policy in the minds of Roman catholic monarchs. The king of France agreed to restore Calais and its territory to England within eight years, under a penalty of 500,000 crowns; and the treaty comprehended Francis and Mary, "king and queen dolphin," with the kingdom of Scotland.* The stipulations of this treaty, however, as they affected the British islands, were of little moment compared with the fears of religious revolution becoming universal, which for a time suspended the rivalships and enmities of catholic monarchs. It was now evident to the great sovereigns that an alliance between France and Spain (originally intended to comprehend England) was necessary, to reduce an armed heresy, which threatened not only to level the church to the ground, but, in their opinion, to overthrow the thrones of kings, and to bury the whole order of human society under the ruins of government and religion. Experience had taught, in all ages, that these great principles stood or fell together. Two religions, it was then believed, were no more reconcilable in a state than two governments; and recent events had demonstrated, to the conviction of the ruling ministers, that men could not be taught to throw off the dependence on priests, without learning to examine the limits of the power of kings. There are many dispersed and indistinct traces of such reflections and projects having been the subject of discussion in 1545, at the first meeting of the council of Trent. To forward a concert against heresy seems to have been avowed by cardinal Pole as one of the motives for the zeal with which he promoted peace between France and Spain.

* Dumont, Corps Diplom. tom. v. part i. pp. 28, 29.

These projects ripened in the spring, 1558, at the private conferences of Perrenot bishop of Arras, better known to history under his subsequent name of cardinal Granville, with the cardinal of Lorraine, at Peronne, in which the former minister strongly represented "the infatuation and dishonour of the continuance of hostilities between the two first crowns of Christendom, in which France and Spain turned against each other those arms which ought to be combined against the Turk, the common enemy of the christian name; but if not against that odious but distant and not formidable adversary, then surely against those far more perilous foes, fostered in the bosom of the great monarchies themselves, the modern heretics, who, during the anabaptist domination in Lower Germany, had furnished the most ample proofs of a cruelty which spared neither age nor sex, and of the tendency of their doctrines to destroy property, as well as to overthrow lawful authority in church and state." * Peace and friendship between the two monarchs, with the concealment of these designs for the present from all Frenchmen (the cardinal was a prince of Lorraine), were absolutely necessary to the probability of success in an enterprise so hazardous.

There is reason to believe that ten years before, at the first convocation of the council of Trent, Perrenot had prepared the young prince for the favourable reception of these political doctrines. Some historians tell us that secret articles against the protestants had been adopted in the meeting at Peronne. Certain it is, that Henry II. was induced, by the plausibility of Perrenot's reasonings, and by their concurrence with the most approved policy of that age, to make peace with Spain, and to begin that persecution of his protestant subjects which grew into civil wars of forty years' duration †, attended with events so horrible as to be without parallel in the history of civilised Europe. These alarming confeder-

* Thuani Hist. lib. xx. c. 9. and lib. xxii. c. 10. Wagenaar Vaderlandsche Historie, part vi. pp. 30, 31. Walsingham's Letters, xcix.

† The account received by Thuanus from his father, who vainly endeavoured to stem the tide, is equally authentic and curious.

acies were accidentally disclosed to one of the illustrious persons who were most deeply interested in their discomfiture. William of Nassau, prince of Orange, was, according to the usage of that period, sent to Paris at the head of the hostages for the observance of the treaty of Câteau Cambresis. He was received with the honours of an independent sovereign, and with the respect due to his high descent. Henry treated him with unreserved freedom; as one who lived in the chamber of the emperor, and privy to all the thoughts of that great monarch, and who was now, as he had been in the reign of Charles thought to be, admitted into the most secret councils of his royal master. At one of the hunting parties of the court, when Henry and the prince were in the same carriage, the king spoke to William as to a man who knew the secret stipulations or understanding between the crowns for the extirpation of heresy. William spoke little, which his ordinary modesty and taciturnity enabled him to do without affectation. He thus concealed his ignorance, and yet avoided an express breach of truth. He suffered the French monarch gradually to betray the full extent of the designs of the royal allies. "I heard," says the prince himself, "from the mouth of king Henry, that the duke of Alva had agreed with the French ministers on the means of exterminating all who were suspected of protestantism in France, in the Netherlands, and throughout Christendom, by the universal establishment of an inquisition worse and more cruel than that of Spain. I confess that I was moved to pity by the thoughts of so many good men doomed to the slaughter, and I deliberately determined to do my utmost for the expulsion of the Spanish army, the instrument of these wicked designs, from a country to which I was bound by the most sacred ties." * Henry had then no suspicion that William secretly inclined to the cause of the reformation, which was openly embraced by some branches of his family; and that Philip disliked and

* Apologie de Guill. Prince d'Orange, 13th Dec. 1580. in Dumont, Corps Diplomat. tom. v. part i. p. 392. Vander Vinkt, Troubles des Pays Bas, i. p. 180. Wagenaar, Vaderl. Hist. lib. xxi. c. xi. part ii. p. 35.

distrusted the favourite of his father, who was now confined to missions or employments of magnificent parade, but was excluded from those mysterious counsels on which Perrenot and Alva only were consulted.

The Roman court had generally betrayed the same disinclination to assemble general councils, as absolute monarchs have usually manifested to the convocation of representative or legislative assemblies.*

For the first twenty years after the dissent of Luther from the church, the demands of the emperor and the empire for the convocation of a general council were evaded by successive pontiffs on various pretexts. The history of this period is full of instruction relating to the course of human affairs in those critical periods of general changes in opinions and institutions of mankind, which are seldom accomplished without terrible collisions of immense masses, attended by such ruin, rapine, and bloodshed, that good men too often recoil from any share in them, and thus leave them to the exclusive guidance of those whose most eminent quality is boldness, and who often make amends for the want of that two-edged quality, by servility towards every prevalent faction. In the writings of the period now under consideration, we see all the common-places, on the side either of establishment or innovation, as ably presented and as thoroughly exhausted as in any age of the world. The forms and language are, indeed, peculiar to the time: but the substance is that struggle between the principles of preservation and improvement, on the right balance of which, the quiet and well-being of society are suspended often by too slender a thread.

Of the various projects now proposed for the extinction of the heresies of the age, the first place seemed to be due to the plan of extending to all Christendom the system of "inquisition into heretical pravity," which subsisted in full vigour only in Spain. This famous tribunal originated in the commissioners for inquest or enquiry regarding the crime of heresy, who were ap-

* The repugnance is owned, and the parallel admitted by Pallavicino.

pointed by successive popes to aid the bishops, or, in case of necessity, to act with them during the wars which in the thirteenth century were waged with unmatched cruelty against the people of Languedoc.* The emperor Frederic II., about 1220, had added the sanction of the imperial authority (then deemed to have a certain influence among all European nations) to the decrees of the council of Lateran, by an edict, in which he commanded all incorrigible heretics to be punished with death. The formalities of an inquisition spread over several countries, where it preserved a languid existence for more than two centuries. But it was in the latter years of the fifteenth century that it was established with terrific powers, and moved to sanguinary activity over the Spanish peninsula, of which every part, except Portugal, was united under one sceptre by the marriage of Ferdinand and Isabella, the sovereigns of Aragon and Castile. It was at first chiefly pointed against the Jews, who, though always plundered by the kings of Spain, and not seldom massacred by the populace, had, by their experience in commerce, and their knowledge of books and business, found their way, through intermarriage and feigned conversion, into the centre of the Spanish nobility. All the nonconforming Jews were banished from the whole monarchy by an edict which immediately followed the conquest of Grenada. The avowed Mahomedans of Grenada were afterwards subjected to the same banishment, in spite of the promises made to them when they were finally subjugated, under a pretext, copied by tyrants of after times, "that, it having pleased God that there were no longer any unbelievers in the kingdom of Grenada, their majesties were pleased to forbid, under pain of death, the entry of the Moors into that province, lest they might shake the faith of the new converts." † The power of the inquisition, now more and more relieved from the restraints of an appeal to Rome, was exerted in every case where

* Llorente, Hist. Crit. de l'Inquisit. d'Espagne, i. chap. ii. Sismondi, Hist. des François.

† 20th July, 1501, and 12th February, 1502. Llorente, i. 335.

suspicions were entertained of the sincerity of the new christians. Such was the unwearied cruelty of the tribunal in its state of youthful vigour, that Torquemada, the first inquisitor general, is believed, in the eighteen years of his administration, to have committed to the flames more than 10,000 victims.* To these are added more than 90,000 persons condemned to the punishments which were called secondary—infamy, confiscation, perpetual imprisonment. They were apprehended on slight suspicion ; they never heard the names of their accusers ; the inquisitors communicated only such parts of the supposed evidence to the accused as such judges deemed fit; the prisoners remained for years in their dungeons, alone, ignorant of what passed without, and in a state where no man dared to attempt to correspond with them, who was not willing, without serving them, to share their fate. Torture was applied to them in the presence of two inquisitors. Sentence was pronounced in secrecy, and executed at "*the acts of faith*," as they were called, where multitudes of the impenitent heretics, clad in woollen garments, on which were painted monstrous forms of fiends, and hideous representations of hell-fire, walked in procession to the flames. These acts of faith were solemnised with a religious ceremonial, combined with such splendour and magnificence as fitted them for exhibition at the coronation of a king or the nuptials of a young queen. In the year 1560, when Philip II. wedded the princess Elizabeth of France, the inquisitors of Toledo, among other preparations for the welcome and becoming reception of a queen of thirteen years old, exhibited one of the acts of faith, when Lutherans, Mahometans, Jews, and sorcerers, were burnt alive in her presence, before the eyes of many nobles and prelates, and of the assembled cortez of the kingdom, who met together to swear allegiance to the wretched Don Carlos, the heir apparent of the crown.† Forty-five persons, of

* Llorente, i. 280. His calculations appear to be fairly made from reasonable data. The last person burnt alive by the inquisition was an unfortunate woman at Seville in 1781, for licentious intercourse with a dæmon. Llorente, iv. 270.

† Llorente, ii. chap. 24.

whom many were distinguished men, had been burnt alive as Lutherans at Valladolid, in the year before, in the presence of the king and a numerous assembly of noble Spaniards and of foreign guests of high station. We find the names of at least six Englishmen in two years in the list of victims, though the two countries were then at peace, and though the persons put to death were probably traders or mariners earning their subsistence under the faith of treaties.

John Louis Vives, a Spaniard of great learning and reputation, bewails the fate of moderate and charitable catholics in Spain, nearly thirty years before the period which we are now contemplating. "We live," says he in a letter to Erasmus, on the 18th of May, 1534, "in hard times, in which we can neither speak nor be silent without danger." In the forty-three years of the administrations of the first four inquisitors general, which closed in the year 1524, they committed 18,000 human beings to the flames, and inflicted inferior punishments on 200,000 persons more, with various degrees of severity, indeed, but the least of which the judges intended that bigoted and frantic multitudes should look on with aversion and abhorrence, as an indelible brand of infamy and a badge of perpetual proscription. Some of these occurrences in Spain, and the numerous executions in the Netherlands, must have been well known in England about the period of the death of Mary, and could not fail to affect the state of opinion in this island so much that a writer of English history cannot with justice exclude all mention of them from his narrative; especially when the memorable circumstances are considered, which we learn from the weighty testimony of the prince of Orange, that the Spanish and French monarchs meditated the extension over all Christendom of such a tribunal as the inquisition had already shown itself to be by its exercise of authority in Spain.

The second expedient proposed for quieting the disorders of Europe, was that of assembling a general council. Had such an assembly been convened early, had they then adopted effective reforms in the constitu-

tion of the church, and rigorously enforced amendment in the conduct of the clergy; had they, before the breach was visible and wide, seasonably granted two concessions,—the marriage of ecclesiastics and the use of the cup by the laity, which, as both were owned to be prohibited by mere human authority, might have been surrendered without any sacrifice of the highest pretensions of Rome herself,—it seems very probable that farther reformation might have been evaded, that its progress might have been retarded, and that its complete accomplishment at some remote period, after a long course of insensible approximation, might have at last occurred without a shock. The ambition or avarice of princes; the furious zeal of multitudes, especially of sectaries, who swelled the animosities of the great parties by their absurd and odious opinions; and the anger, the pride, the passion for mental domination, which tarnished the piety and sincerity of the protestants; were formidable obstacles to what seems to us the most desirable consummation. In the reigning church, the absolute want of the policy of seasonable concession, not indeed an infallible remedy, but the sole resource in times of general trouble from lasting causes, is more remarkable and more blameworthy. Among them, however, ample allowance is due to the sincere reverence for what was anciently established, and to those pious affections which were so interwoven with the doctrines and worship of their fathers, that their hearts fondly clung to every rite and to every word, which were hallowed in their eyes as being blended from their infancy with the most sacred feelings and the most awful truths. How painful it must have been to many an affectionate heart, to condemn a long line of forefathers as guilty of fatal and irreparable error! Nor is it to be forgotten that many wise statesmen, without sharing the amiable infirmities of the pious, might tremble at the impenetrable consequences of stirring that vast mass of opinions, sentiments, habits, and prejudices, of which a large part of the religion and morality of men is composed.

The court of Rome, according to its established policy,

eluded the meeting of the council successfully, for a quarter of a century after Luther had struck the first blow at the pontifical throne.

At length a council was summoned to meet, and actually assembled at Trent, in December, 1545. There were present only four archbishops, twenty-eight bishops, three abbots, and four generals of religious orders; who, with the three legates * and the cardinal of Trent, made a total of forty-three. In the beginning of 1547, the council was transferred to Bologna, where they slumbered for two years. Their second session at Trent was suspended for two years, in 1552, and was not, in fact, assembled for ten years afterwards. At the second assembly, which met in April, 1562, and continued till December, 1563, the number of prelates present at the opening was only ninety-two; but it increased in its progress so much, that the decrees were finally subscribed by four legates, two cardinals, three patriarchs, twenty-five archbishops, two hundred and sixty-eight bishops, seven abbots, thirty-nine proxies, and seven generals of religious orders. The ambassadors of the empire of France and of Spain attended the council. England declined to receive a legate from the pope, who was sent to desire that the representatives of the British islands should appear in the assembly of the christian church. The protestant states of Germany and Scandinavia demanded safe-conducts more ample and precise than it was thought fit to grant. Moreover, they refused to acknowledge the authority of the pope,

* Of whom cardinal Pole was one. The history of this celebrated council has been related by Fra Paolo Sarpi, a Venetian of the order of the Servites, with extraordinary ability, with the liberty of an Athenian philosopher, but with an almost protestant hostility to the court of Rome. Many years after the death of the illustrious friar, cardinal Pallavicino, at the desire of the supreme pontiff, who caused him to be supplied with the correspondence of the papal legates at Trent, composed a controversial history, avowedly written to confute the statement of Father Paul. His materials, however, though we cannot know the fairness with which he employed them, stamp a value on his work, especially as a report of the debates, and a record of the formal proceedings of this famous assembly, the last general, or, as it is called, œcumenical council. Pallavicino, whose ecclesiastical policy was that of a cardinal and a jesuit, is, notwithstanding, commended by Algernon Sidney, who personally knew him; probably on account of the purity of his style, — the only particular in which he is generally preferred to the philosophic Servite.

under which the council was assembled. It was suggested that they might appear and confer under a protestation, affirming that they did not thereby wave their rights: but the real difficulties lay too deep to be reached by any temporary expedients. The protestants allowed no authority but the Scriptures; — a noble principle, if they had adopted more consistently in their practice the legitimate consequence of it — that every man must judge for himself of all religious doctrines. The catholics maintained, that whatever was spoken by Christ was at least as sacred as what was written by his followers; that the writings of the New Testament were occasional, and intended either to correct misapprehension, or to supply deficiencies in the preaching of the christian missionaries; that usage deduced from apostolical times was the sole foundation for the substitution of the first day of the week for the seventh, as the time of public worship, for the baptism of infants incapable of mental participation in any rite of religion, and for other practices, which, though not authorised, much less enjoined, by any passage of the Scriptures, were, nevertheless, retained by the Lutherans as much as by the catholic church. Connected with these doctrines, the adherents of the ancient religion maintained, that as God had promised never to desert his church, he would always preserve her from error in fundamental matters, and that a visible authority, whether vested in general councils or in the pope, to determine the sense of doubtful texts, and to ascertain the genuineness of alleged traditions, was not less necessary than the written word itself. The doctrine of infallibility, though destructive alike of sound reason and of pure religion, bestowed consistency on the Roman catholic system, and afforded them a much more plausible colour than their adversaries could employ, for the persecution from which neither party abstained.

In many points of doctrine, the reconciliation of the Lutherans, or at least the concealment of differences by ambiguous terms, was then more practicable than it may now be supposed to be. The bodily presence of Christ

in the eucharist was held by both parties, nor is the Lutheran doctrine or term *consubstantiation* more intelligible than the ancient word *transubstantiation*. In the controversies respecting the divine decrees, the aid of grace, and the nature of justification, the protestants were more decidedly favourable to the stern doctrines of Augustine than the catholics; but the high authority of that renowned doctor prevented a condemnation of his opinions in the catholic church. The Dominicans, who were the most learned divines of the council, defended the Augustinian system aginst the Franciscans and Jesuits, who, with the majority of ecclesiastics, had adopted principles more consonant with the common sense and natural feelings of mankind. The Lutherans themselves, after the departure of their great master, slid into milder and more popular tenets. If the whole state of opinion on both sides, as practically prevalent, be compared, it will be seen, that the difference on these mysterious questions between the catholics and protestants was more apparent than real. It is, however, very observable that those who are most distinguished for fervid piety and severe morals on either side have, in general, either adopted, or inclined to adopt, the system which their opponents plausibly represent as so tainted with fatalism as to take away the foundations of morality and religion.

The great abuses of non-residence and pluralities, to which the progress of the Reformation was in a great measure ascribed, were prohibited by the council, but with so many exceptions as to impair the rule. The Spanish divines, who were anti-papal, made a vain attempt to obtain a decree that the residence of bishops was prescribed by the divine authority, which would have established episcopacy on the same foundation, and thereby would have proved fatal to the pretensions of the bishops of Rome to be universal bishops, whose delegates all other prelates were holden by them to be. The council declared all marriages without the observance of certain rules to be null; the first instance of

a nullity of marriage professedly introduced by a mere human power. In this important particular the example and the provisions of the council of Trent were adopted in the middle of the eighteenth century by the English marriage act; an odious statute, now happily abrogated.

In 1562, the pope took occasion from the meetings of the council to make an attempt to excite a general war of catholic princes against heretics. But he found that their mutual jealousy and separate interests were obstacles too formidable to be surmounted. On the 10th of May, 1563, a letter from Mary queen of Scots to the council was presented by her uncle the cardinal of Lorrain, in which that unfortunate princess submitted herself to the council, and declared her determination, in case of her succession to the crown of England, to subject both her kingdoms to the apostolic see.* The thanks of the sacred synod were returned to her for an act which assuredly contributed to the calamities of her subsequent life.

The council of Trent raised several dogmas of the schools to the rank of doctrines of the church, at a period when wisdom would rather have loosened than tightened the bands of submission.† They timidly and partially reformed a few abuses, but they redressed nó grievance with such hearty zeal and conspicuous energy as to silence opponents, to satisfy malcontents, or even to confirm the allegiance of those adherents whose fidelity was shaken.

The institution of the Jesuits was a third means of opposing the rebellious and heretical spirit of the Lutheran age. Ignatius or Inigo Loyola, a Spanish Biscayan, of ardent and meditative temper, had imbibed a more than usual portion of the hatred towards the enemies of the catholic religion, which Spaniards

* Fra Paolo, lib. vii.

† "Il est bien certain au moins que plusieurs des opinions érigées en dogmes dans le concile, avaient été jusque la librement agitées dans les écoles."—*Le Courayer, Préf. à la Traduct. de Fra Paolo.*

"Il suffit qu'on sache le commencement d'une opinion pour assurer qu'elle ne sera jamais déclarée être de foi."—*Fleury, Discours V. sur l'Hist Ecclesiast.*

had, beyond other nations, learnt in the course of the mortal feuds and fierce wars which had for centuries raged between the Christians and Mahometans of the peninsula, rather with the fury of civil discord than with the more regulated hostilities of foreign warfare. He was distinguished by imagination and feeling. His breast glowed with sincere piety; but his religion was that of a soldier determined to defend his faith, and ready to spread it by the sword. All the noble feats of Spaniards had been achieved for religion. It was the basis of their martial renown and of their national honour. He who was not an orthodox catholic could not be embraced as a true Spaniard. Loyola and his first associates amounted only to eight, all superior to other men in enthusiasm and fortitude: some possessed of those great qualities which enable men to produce mighty changes in the opinions of their fellows, and to exercise a lasting sway over willing minds. Their original purpose was limited to pilgrimages to the holy sepulchre and missions into unbelieving lands. Faure, Jai, and Coduri, of Geneva; Lainez, Salmeron, and Bobadilla, Spaniards; Roderic and Xavier, Portuguese; and Broet from Dauphiné, were the original Jesuits, of whom *Francis Xavier*, the apostle of the Indies, was a man worthy of everlasting honour, for devoting himself to a life of suffering for what he believed to be the supreme good of mankind; and the name of *Lainez*, the second general, cannot be forgotten as the man of legislative genius, who formed the plan and laid the foundation of that system which rendered the order memorable. Pope Paul III. approved of their institution, under the name of "the Society of Jesus," on condition that their number should not exceed sixty. In 1543, when the restriction was removed, they increased to eighty. In the course of about fifty years their number was estimated at more than 10,000, or, according to some accounts, at nearly double that great number.* They were neither

* Perhaps the exclusion or inclusion of novices and lay brethren may account for the variation. — *Dupin, Biblioth.* xv. 438. *Müller, Allg. Gesch.* book xix. c. 4.

confined nor apparelled like monks. They were allowed to live in the world dressed like the secular clergy. They were destined to preach, to teach, to confute heretics, to convert unbelievers, to confess dying penitents, or to act in any manner required by the holy see for the interests of religion. The authority of their general was more absolute than that of the chief of any other order; and they were dispensed from the obligation of offering daily prayers in public, that they might have more leisure for their special and momentous destination.

Having arisen in the age of reformation, they became the chosen champions of the church against her new enemies. They used some generous and liberal weapons in their warfare. Instead of following the unlettered monks, who decried knowledge as the parent of heresy, they joined in the general movement of mankind towards polite literature, which they cultivated with splendid success. They were the earliest reformers of European education. "For education," said lord Bacon, "consult the colleges of the Jesuits. Nothing hitherto tried in practice surpasses them."* "Education," says he, "has been in some sort revived in the colleges of the Jesuits, of whom, in regard to this and other sorts of human learning and moral discipline, *talis cum sis utinam noster esses.*"

Peculiarly subjected to the see of Rome by their constitution, they were devoted to its highest pretensions from feeling the necessity of a monarchical power, to conduct their efforts against formidable enemies. While the nations of the Spanish peninsula, with barbaric chivalry, carried religion at the point of the sword to the uttermost extremes of the East and the West, the Jesuits reclaimed the American cannibals from savage customs, and taught them the arts and duties of civilised life. In India they suffered martyrdom with heroic constancy. They penetrated the barrier which shuts out strangers from China; and by the obvious usefulness of their scien-

* Bacon de Augment. lib. vi. cap. 4.

tific acquirements they obtained toleration, patronage, and honours from the most jealous of governments. They were fitted by their release from conventual life, and from their allowed intercourse with the world, to be the confessors of kings; and while some guided the conscience of a royal penitent at Versailles or Vienna, others were teaching the use of the spade and the shuttle in California, and a third body were braving a death of torture from the mountain chiefs of southern India. No community ever practised with so much success the art of discerning the fitness of a peculiar frame of mind for some specific station. Hence this society of missionaries and schoolmasters had to boast of the most vigorous controversialists, the most polite scholars, the most refined courtiers, and (unfortunately) the most flexible casuists, of their age.

They are the strongest if not the only proof afforded by authentic history, that an artificial system of government and education, formed at once by human contrivance, is, in some circumstances, more capable of attaining its proposed object than the general experience of mankind would warrant us to expect. The Jesuits had not leisure for works of genius or for discoveries in science, to say nothing of philosophical speculation, from which last they were interdicted by the adoption, or sometimes only by the profession, of implicit faith. Though they covered the world for two centuries with their fame and their power, they had no names who could be opposed to Racine and Pascal; the produce of the little persecuted community of Port Royal during its short and precarious existence. This observation, however, only imports that their powers were more applied to active than to contemplative life. It is foreign from our present purpose to trace the story of their downfall. They were hated by the secular clergy, and envied by other regulars, because they were the most potent of all associations of a monastic nature. They were watched with jealousy by statesmen and magistrates on account of their boundless obedience to the see of Rome. To

exalt the papal power, they renewed the scholastic doctrine of the popular delegation of the powers of government to rulers. The people themselves were on all controversies between them and their chiefs, to listen with reverential awe and unconditional subjection to the holy pontiff, the pastor of all subjects and sovereigns.

The doctrines of deposition and regicide * were not peculiar to the Jesuits. They had been taught by other religious orders; and the first of them had been inculcated by Aquinas himself, the main column of the theological schools. It had been adopted by eminent persons among those protestants who, under Calvin, had risen against the civil authority, instead of being influenced by its guidance, like the followers of Luther. But the whole odium belonging to some of these opinions fell on the Jesuits, the stanchest polemics of the court of Rome, who were looked on with an evil eye by those true catholics, who acknowledged no final jurisdiction but that of the universal church, while they religiously respected the independent authority of the civil magistrate. As the Jesuits were a militia called out to combat the reformation, it is no wonder that they were regarded throughout all the reformed communions as incendiaries, always engaged in plotting the overthrow of protestant thrones, and in heaping up fuel to feed the flames, by which alone protestant nations could be recalled from heresy.

But they owed their decay to the use of the fatal expedients to which many of them, doubtless, trusted as the strongest props of their greatness. However shallow statesmen may be deluded by some short and superficial appearances to the contrary, it is a truth proclaimed by the whole course of human affairs, that public bodies and associations vested with legal rights cannot very long survive the decline and downfall of their moral character. General contempt and disgust are fatal to institutions which can flourish only by reverence. The corruption of those who profess to teach morality, or are appointed to enforce it, is an inconsistency which in the

* Mariana de Regis Institutione.

course of time shocks even the profligate. The Jesuits split on this rock. They had too carefully cultivated the dangerous science of casuistry, the inevitable growth of the practices of confession and absolution, which, by inuring the mind to the habitual contemplation of those extreme cases in which there is a conflict of duties, and where one virtue may or must be sacrificed for the sake of a greater, does more to lessen the authority of conscience than to guide its perplexities. Casuistry has generally vibrated between the extremes of impracticable severity and contemptible indulgence. The irresponsible guides of the conscience of kings were led to treat their penitents with a very compliant morality, by the belief that no other could be observed by such penitents, by making too large allowances for the allurements which palliate royal vices, by the real difficulty of discovering when more austerity might plunge a prince into deeper depravity, by the immense importance of rendering his measures and councils, if not his example, favourable to religion: to say nothing of the subtle snares with which selfishness and ambition, often without the consciousness of the individuals, surrounded their narrow and slippery path. These and the like circumstances betrayed some of their doctors into shocking principles, which were held out to the world as the maxims of the society itself by the wit and eloquence of Pascal, one of the greatest, and, except to the Jesuits, one of the most just of men.* The order certainly did not adopt the odious extravagancies of some members. But the immoralities were not sufficiently disavowed. The selection of particular cases, as matter of charge against a large body, has often the unjust effect of exaggeration. Yet it must be owned that invidious selection and even gross exaggeration are the indications of a proneness in the accused body towards the vice which appears in its harshest and most hideous shape in some of their worst members; and that they are a sort

* No man is a stranger to the fame of Pascal; but those who may desire to form a right judgment on the contents of the "Lettres Provinciales" would do well to cast a glance over the "Entretiens d'Ariste et d'Eugenie" by Bouhours, a Jesuit, who has ably vindicated his order.

of natural, though not nicely equal, punishment of the wrong disposition which has infected the whole mass.

These were the principal preparations for those wars of religious opinion, in which the most conspicuous leaders on the side of the ancient establishment were Philip II. and the duke of Alva; while the party who contended for reformation were conducted by William of Nassau prince of Orange, Henry of Bourbon king of Navarre, and Elizabeth Tudor queen of England. The mention of these names suggests to every writer of English history that he is about to enter on a more arduous task; to relate events which more powerfully command the fellow-feeling of after-times.

APPENDIX.

I.

PROPORTION OF DIFFERENT TROOPS IN THE ARMY OF HENRY VII.

INDENTURE between H. VII and Earl of Kent, dated 9th May, 1492. Witnesseth that s[d] Earl is reteigned to serve as long as it shall please our Sov: with the retinue and number of vi men of armes; his own person comprised in the same, every of them havyng with them his crestrel and his page.

XVI Launces - - at ix[d] a day.
XXI Archers on hors back - vi[d] —
LX Archers on foot - - vi[d] —
(Men of armes - xviii[d] —)

Similar Indenture.

	Men of Armes.	Di Launc.	Archers. Horse.	Archers. Foot.
Lord Latymer, to supply	3	10	2	6
— Powys - -	1	60	0	0
— Barnes - -	2	6	4	7
— Grey - -	9	10	25	60
— Devon - -	6	2	25	66
— Scroop of Bolton -	3	11	10	10
— Scroop of Upsal -	1	0	15	15
— Surrey - -	5	12	20	46
— Audeley - -	3	20	11	20
— Straunge - -	10	5	24	249
Thomas Bryan, Esq. (of the Kings Body)	0	1	4	14
— Welles - -	3	20	15	45
Other 13 Knights supplied	26	68	190	432
	72	225	345	970

Here the printed account closes, so that it only affords information of the proportions of different sorts of soldiers in an English army three centuries ago.

II.

(*At the close of Henry VII.'s Reign.*)

LORD BACON.

Lord Bacon was the man of highest intellect among the writers of history; but he was not the greatest historian. History ought to be without passion; but if it be without feeling, it loses the interest which bestows on it the power of being useful. The narrative of human actions would be thrown aside as a mere catalogue of names and dates, if it did not maintain its sway by inspiring the reader with pity for the sufferer, with anger against the oppressor, and with earnest desires for the triumph of right over might. The defects of Bacon's nature conspired with the faults of his conception of history to taint his work with lukewarm censure of falsehood and extortion, with a cool display of the expedients of cunning, and with too systematic a representation of the policy of a monarch in whose history he chose to convey a theory of kingcraft, and the likeness of its ideal model. A writer who has been successful in unravelling an intricate character often becomes indulgent to the man whose seeming inconsistencies he has explained, and may at length regard the workings of his own ingenuity with a complacency which prevails over his indignation. Aristotle *, who first attempted a theory of usurpation, has escaped the appearance of this fault, partly because sensibility is not expected, and would displease in a treatise on government. Machiavel was unhappily too successful in silencing his abhorrence of crimes; but this fault is chiefly to be found in "The Prince," which is a treatise on the art of winning and keeping tyrannical power; which was destined by the writer neither to instruct tyrants, nor to warn nations against their arts, but simply to add the theory of these arts to the stock of human knowledge; as a philosophical treatise on poisons might be intended only to explain their nature and effects, though the information contained in it might be abused by the dealer in poison, or usefully employed for cure or relief by the physician.

Lord Bacon displayed a much smaller degree of this vice, but he displayed it in history, where it is far more unpardonable. In the singular passage where he lays down the theory of the advancement of fortune (which he knew so well and practised so ill), he states the maxim which induced the Grecian and Italian philosophers to compose their dissertations, "that there

* Arist. Polit. lib. v. c. 3.

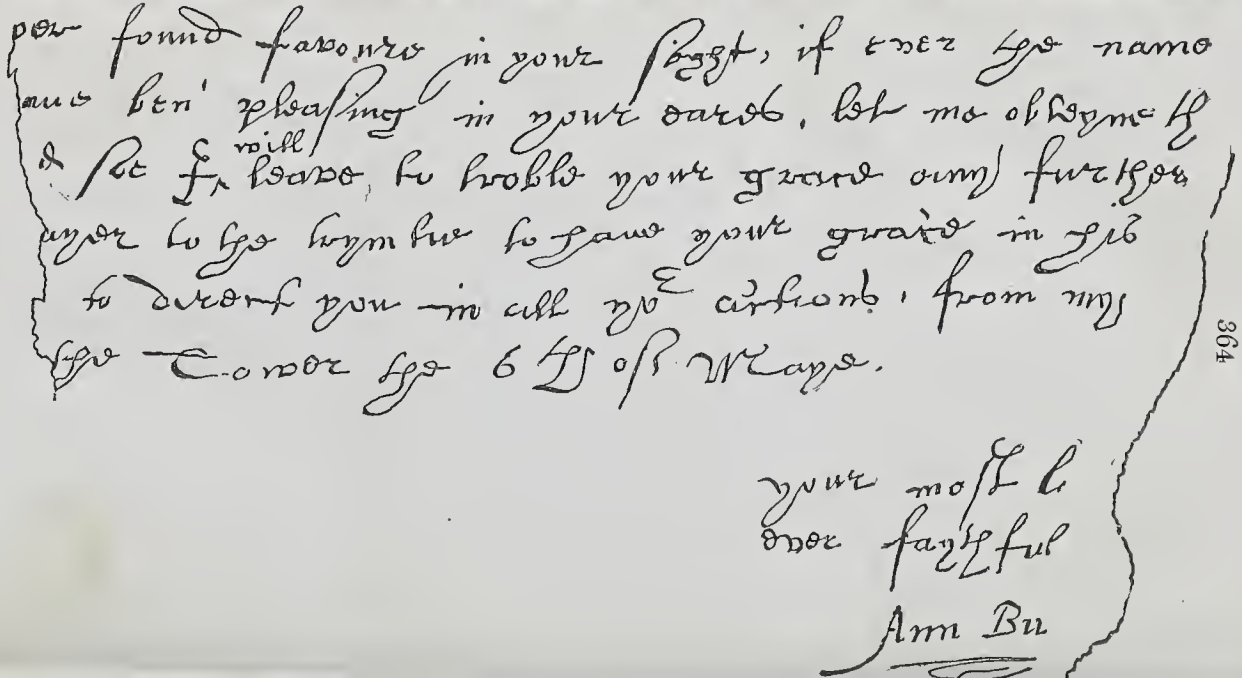
be not any thing in being or action which should not be drawn into contemplation or doctrine." * He almost avows an intention of embodying in the person of his hero (if that be the proper term) too much of the ideal conception of a wary, watchful, unbending ruler, who considers men and affairs merely as they affect him and his kingdom; who has no good quality higher than prudence; who is taught by policy not to be cruel when he is secure, but who treats pity and affection like malice and hatred, as passions which disturb his thoughts and bias his judgment. So systematic a purpose cannot fail to distort character and events, and to divest both of their power over feeling. It would have been impossible for lord Bacon, if he had not been betrayed by his chilling scheme, to prefer Louis XI. to Louis XII., and to declare, that Louis XI., Ferdinand the catholic, and Henry VII., were the "*three magi among the kings of the age;*" though it be true that Henry was the least odious of the three royal sages.

It is due in the strictest justice to lord Bacon not to omit, that the history was written to gratify James I., to whom he was then suing for bitter bread, who revised it, and whom he addressed in the following words: — "I have therefore chosen to write the reign of king Henry VII., who was in a sort your forerunner; and whose spirit, as well as his blood, is doubled upon your majesty." Bacon had just been delivered from prison; he had passed his sixtieth year, and was galled by unhonoured poverty. What wonder, if, in these circumstances, even his genius sunk under such a patron and such a theme!

* Dignity and Advantage of Knowledge, book ii.

III.

FAC-SIMILE OF A PART OF ANNE BOLEYNE'S LETTER TO HENRY VIII. FROM A MS. IN THE BRITISH MUSEUM.



The MS. was partly destroyed by fire in 1731. The following is the document at length; the insertions in the parts destroyed by the fire are printed in Italics:—

Sir,

Your Grace's displeasure and my imprisoment are things soe *strange* unto me, as what to wrighte, or what to excuse, I am altoge*ther* ignorant. Wheras you send unto me, (willing me to confesse a truth, and soe to obteyne your favour) by such an whome you know *to* be mine anticnt professed enemy, I noe sooner received this mes*sage* by him, then I rightly conceaved your meaning; and if as *you say*, confessing a truth indeed may procure my saftie I shall wse all willingnesse and dutie perform your command. But let not your Grace *ever* imagine that your poore wife will ever be brought to *acknowledge a* fault, where not soe much as a thought ever proceeded. *And to spea*ke a truth, never a prince had wife more loyall *in all duty, and* in all true affection, then you have ever found *in Anne Bolen, with* which name and place I could willingly have conten*ted myself*, if God and your Grace's pleasure had so bene p*leased. Neither* did I at any time soe farre forgett my selfe *in my exalt*ation, or rceeaved qucenshipp, but that I alwayc*s looked for* such an alteration as now I finde; for the groun*d of my preferment* being on noe surer foundation then your Grace*'s fancye*, the least alteration was fitt and sufficient (I knowe) *to draw that fan*cye to some other subjectc. You have chosen *me from a low e*state to be your queenc and companion farre *beyond my desert or* desire; if then you found me worthy of suc*h honour, good your Grace* let not any light fancye, or bade counsell *of my enemies withdraw* your princely favour from me; nether lett *that stayne, that unwor*thy stayne of a disloyall hart towards your g*ood Grace, ever cast so f*oule a blott onc your most dutifull wife, *and the infant princesse* your daughter. Trye me, good king, *but let me have a lawfull tr*yall; and let not my sworne encmyes sit *as my ac*ousers *and judg*es; yee let me rceeave an op*en tryall, for my truth sh*all feare noe open shames. Then shall y*ou see either mine innocenc*ye cleered, your suspition and conscie*nce satisfied, the ignomin*ye and slander of the world stop*ped, or my guilt openly decla*red. Soe that whatsoever God or y*ou may determine of your* Grace may be frced from an o*pen censure, and mine offence be*ing soe lawfully proved, your *Grace is at liberty both before* God and man, not only to exec*ute worthy punishment on me a*s an unfaythfull wife, *but to follow your affection already* setled one that partie, *for whose sake I am now as I am, whose* name I *could some good while since have pointed unto, your Grace being not ignorant of my suspition therein.*

But if you have already determined of me, and that not only

my death, but an infamous slander must bring you the joying of your desired happines, then I desire of God that he will pardon your great sinne herein, and likewise my enemyes the instruments thereof, and that he will not call you to a straight accompt for your unprincly and cruell usage of me, at his generall judgement seat, where both you and my selfe must shortly appeare, and in whose just judgement I doubt not, what soever the world may thinke of mee, mine inocencye shall be openly knowene, and sufficiently cleared. My last and only request shall be, that my selfe may only beare the *burthen* of your Grace's displeasure; and that it may not to*uch the* inno-cent souls of those poor gentlemen, whome as I *understand* are likewise in straight imprisoment for my sake. *If I* e-ver have found favoure in your sight, if ever the name *of Ann Bulen* have ben' pleasing in your eares, then let me obteyne th*is request; And* soe I will leave to troble your Grace any further. *With mine earnest* prayer to the Trinitie to have your Grace in his g*ood keeping, and* to direct you in all yor actions, from my *dolefull prison in* the Tower the 6th of Maye,

Your most L*oyall and*
ever faythfull *Wife*,
Ann Bulen.

The Ladye . . . .
to the Kinge he . . .
of the Towe . . . .

At the foot of the MSS. the following memorandum appears in the same handwriting. We have attempted to supply the part destroyed by fire: —

On the King sending a messenger to Queen Ann *Bulen in the* Tower willing her to confesse the *truth, she said that she* could confesse noe more, then shee had *already done. But as h*e sayd she must conceale nothing *she would add this, tha*t she did acknowledge her selfe *indebted to the king for many* favours, for raysing her first *to be* * * * *next to be* a Marques, next to be his Quee*ne, and that now he could* bestowe noe further honor upon *her than if he were soe pleased* to make her by martirdome a *saint.*

The handwriting appears to be that of the period between the latter part of the reign of Henry VIII. and the earliest years of Elizabeth. As it seems to be a copy, by the title inscribed on it, the original from which it was transcribed may, with great probability, be considered as contemporary with the events to which it relates. It is in the same volume with Kings-

ton's letters to Cromwell during Anne's imprisonment, and with them it was a part of the Cottonian library which was formed in the time of Elizabeth or James by sir Robert Cotton, a skilful antiquary, not likely to collect counterfeits, who probably possessed the means of ascertaining the handwriting of Anne, and the history of the manuscript. It will be observed that in the age of Charles I., Herbert, who has been followed by all subsequent writers, has modernised the orthography. An inspection of Kingston's letters, as printed by Mr. Ellis, if compared with one of them published by Herbert in his history, will show that he performed exactly the same operation upon them — that of modernizing the spelling: their authenticity has never been doubted, and perhaps the reader may be disposed to think that the doubts entertained of the genuineness of this letter are not warranted by reason. To these remarks it may be added, that from the authentic letters she appears to have written a letter through Cromwell at the very time to which the disputed letter must be referred; and that this contested letter answers exactly to the circumstances of the one sent or attempted to be sent through the secretary. Enough has been said in the text on the argument from internal evidence employed to prove that it is spurious. We do not know the extent of Anne's capacity; we do not know how far she might have been lifted above herself by the vindication of her innocence; and we are ignorant whether some friendly hand might not have corrected the errors and raised the diction of the forlorn lady, without defacing the natural beauties of her composition. The modern orthography in which lord Herbert has arrayed the letter has much contributed to take away that character of a somewhat rude simplicity, which, when exhibited in its original state, as has been done above, it appears in some measure to recover.

IV.

Since this volume was printed, I have been favoured by Sir Robert Peel with the loan of that gentleman's own copy of the first volume of "State Papers of the Reign of Henry VIIIth," about to be published under the authority of a royal commission. Constant occupation has hitherto hindered me from examining it carefully; but had it been otherwise, it came into my hands too late to allow me to interweave the results of such an examination with the narrative. I believe nevertheless that a few extracts from it may interest the reader.

The first distinct allusion to the projected divorce that I have found in this volume is in a despatch of Wolsey to the king. 1st July, 1527.

"It may please Your Highnes to understande, that the message, sent unto me this mornyng from the same, by Master Wolman, hath not a little troubled my mynde, considering that Your Highnes shuld thinke or conjecte, upon such message as I sent unto Your (*Highness*) by Master Sampson, that I shuld eyther doubte, or shuld your secrete matier. For I take God to recorde, that there is nothing erthely, that I covet so moch, as the avauncyng thereof; not doubting, for any thing that I have herde this overture hath cumme to the Quene's knowledge thenne I have doon bifore: and, as I said unto Master Sampson, if your brother had never knowen her, by reason whereof there was noo affinite contracted; yet, in that she was maried in facie ecclesie, and contracted per verba de presenti, there did arrise impedimentum publice honestatis, which is noo lesse impedimentum ad dirimendum matrimonium thenne affinite, whereof the bul makith noo expresse mencion: and the woordes that I said unto Master Sampson imported noo doubt in me, for these folowing were my very wordes. Whenne he shewed unto me, that the Quene was very stif and obstinate, afferming that your brother did never knowe her carnally, and that she desired counsail aswel of your subgettes as of straungiers, I said, this devise coulde never cumme of her hed, but of summe that were lerned; and these wer the worst poyntes that could be imagened, for the empeching of this matier: for that she wold resorte unto the counsail of straungiers, or she intended to make al the counsail of the worlde, Fraunce except, as a partie against it; wherfor, I (*think*) con-

venient, tyl it wer knowen what shuld succede of the Pope, and to what point the French King might be brought, Your Grace shuld handle her both g(*ently*) and doulcely, as I instructed the said Master Sampson. This was in effecte the hol substaunce of my charge committed unto him; at the declaration whereof was the Dukes of Norfolk and Suffolk present.

State Papers, Hen. VIII. vol. i. p. 194.

5th July, 1527. WOLSEY TO THE KING.

INTERVIEW WITH ARCHBISHOP WAREHAM.

The first night of this my said journay I lodged at Sir John Wiltesheres howse *, where met me my Lord of Canntourbury; with whom after communication had of your secrete matier and such other thinges as have been hitherto doon therin, I shewed him howe the knowleage therof is cumme to the Quenes Grace, and howe displeasantly she takith it, and what Your Highnes hath doon for the staying and pacification of her; declaring unto her, that Your Grace hath hitherto nothing intended, ne doon, but oonly for the serching and trying out of the trouth, proceding upon occasion given by the French partie, and doubtes moved therein by the Bishop of Tarbe. † Which facion and maner liked my said Lorde of Cauntourbury very wel. And noting his countenaunce, gesture, and manour, although he sumwhat merveled, howe the Quene shuld cumme to the knowleage therof, and by whom; thinking that Your Grace might constrayne and cause her to shewe the discoverers therof unto Your Highnes: yet, as I perceyve, he is not moch altered or turned from his first facion; expressely affermyng that, howesoever displeasantly the Quene toke this matier, yet the trowth and jugement of the lawe must have place and be folowed. And soo proceding further with him in communicat'on, I have sufficiently instructed him, howe he shall ordre himself, in cace the Quene doo demaunde his counsail in the said matier, which myn advertisement he doth not oonly like, but also hath promised me to folowe accordingly.

State Papers Hen. VIII. vol. i. p. 196.

INTERVIEW WITH BISHOP FISHER, IN THE SAME LETTER.

After which communication, I asked him, whether he had hard lately any tidings from the Court, and whether any man

* Cavendish describes this house to have been two miles beyond Dartford.

† Gabriel de Grammont, bishop of Tarbes, was one of those who came on an embassy from France in the spring of 1527.

had been sent unto him from the Quenes Grace. At which question he sumwhat stayed and pawsed; nevertheles, in conclusion, he answered, howe truth it is, that of late oon was sent unto him from the Quenes Grace, who brought him a message oonly by mowth, without disclosure of any particularite, that certain matiers there were, betweene Your Grace and her lately chaunced, wherein she (*would be*) glad to have his counsail, alleging that Your Highnes was content she shuld soo have; whereunto, as he saith, he made answer, likewise by mowth, that he was redy and prone to geve unto her his counsail, in any thing that concerned or towched oonly herself, but in matiers concerning Your Highnes and here, he wold nothing doo, without knowlege of your pleasour and expresse commaundement, and herwith dismissed the messanger. After declaracion wherof, I replied and said; "My Lord, ye and I have been of an olde acquayntaunce, and "the oon hath loved and trusted the other; wherfore postponyng "al doubte and feare, ye may be franke and playne with me, like "as I, for my partie, wil be with youe." And soo I demaunded of him, whither he had any special conjecture or knowlege, what the matier shuld be, wherin the Quene desired to have his advise. Wherunto he answered, that by certain reaport and relation he knewe nothing; howbeit upon conjecture, rysing upon such thinges as he had harde, he thinketh it was for a divorce to be had bitwene Your Highnes and the Quene; which to conjecte, he was specially moved, upon a tale brought unto him by his brother from London; who shewed hym, that being there, in a certain company, he harde saye that thinges wer set forth, sounding to such a purpose: wherupon, and thenne calling to remembraunce the question I moved unto him, by Your Graces commaundment, with the message sent unto him from the Quene, he verayly supposed such a matier to be in hande, and this was al he knowith therin, as he constantly affermith, without that ever he sent any worde or knowlege therof, by his fayth, to the Quenes Grace, or any other lyving personne. Upon this occasion I said unto him, that although for such considerations, as in further hering of the matier he shal perceyve, Your Highnes was mynded not to disclose the same to many, but as secretly to handle it as might be, and therfore did communicate it unto very fewe; yet nowe, perceyving your good mynde and gracious entent to be otherwise taken by suspicions and conjectures, thenne was purposed, Your Highnes had given me special charge and commission to disclose the same unto him; takyng an othe of him to kepe it close and secrete, and to shewe his mynde and opinion, what he thought therin. After the which othe taken, I repeted unto him the hol matier of

Fraunce, and of the marriage entended bitwen the French King and my Lady Princesse; and howe that when, in processe of that matier, besides the expectacion of the Ambassadours of Fraunce, it was on this side objected, that before further entree in to the treatie of the said matrimonie, it shuld first be necessary and requisite to see, whither the French King ever in such state and condition, as he might, by the lawe, contracte marriage with my Lady Princesse, forasmoch as it was noysid abrode, that he had made a precontracte * with Madam Elienor; and that they, having noo commission to treate therupon, wer compelled to staye for a season; alleging, nevertheless, that such objection seemed unto them very strange, and that it was not to be thought, that a Prince of honnour, as ther master is, wolde sende them in such facion to so noble a Prince, requiring his doughter in marriage, oonless he might by the lawe accomplish the same: the Bishop of Tarba, oon of the said Ambassadours, wrote unto me from his lodging, shewing howe he was very sory for such allegacions made on this side; and that for reciproque maner, on ther partie, they wer compelled to demaunde likewise, that, on Your Graces behaulf, it shuld be shewed and opened unto them, what had been here provided for taking awaye the impediment of that marriage, wherof my Lady Princesse cumeth; and that although he doubted not, but your Graces counsail had wel forseen that same, yet, for discharge of ther duties towardes ther master, they must nedes require a sight therof; fearing, lest upon such altercacion, on both sides, litel effecte shuld succede. Whe(*rupon*) Your Highnes had commaundement to make enserch for such dispensacions as wer obtayned therfor, to shewe unto them, when they shuld require it. And, finally, for the said Bishoppes satisfaction, shewed unto him the bul of dispensacion; which, after he had deliberatly perused and red, noting and marking every material point therof, although he said, for the first sight, he supposed the said bul was not sufficient, as wel for that this impediment was de jure divino, wherwith the Pope coulde not dispense nisi ex urgentissima causa, as for other thinges deprehended in the same; yet further disputacion upon validite of the said bulle, and the impediment of the French Kinges parte, was, by mutual consent, put over, untyl my cumming in to Fraunce: mynding in the meane season to see what might be said for the justificacion therof, and to be riped in al poyntes, to make answer to any thing, that might be objected on eyther partie; and howe that, by Your Graces commaundement, I had sworn certain lerned men in the lawe, to wryte

* By the treaty of Madrid.

their minds in that matier, who have right clerkly handled the same, soo as the bokes excrescunt in magna volumina. And forasmoch as the Bishop of Tarbe wrote unto me, that the impediment shuld be de jure divino, I moved that question unto him in another case, to know his mynde. And thus declaring the hol matier unto him at lenght, as was divised with Your Highnes at Yorke Place, I added that, by what meanes it was not yet deprehended, an ending of this matier is cumme to the Quene's knowlege; who, being suspicious, and casting further doubtes, thenne was ment or entended, hath broken with Your Grace therof, after a veray displeasaunt maner; saying that, by my procurement and setting forth, a divorce was purposed bitween her and Your Highnes; and bi her maner, behavour, wordes, and messages sent to diverse, hath published, divulged, and opened the same; and what Your Highnes hath said unto her therin, to the purging of the matier, howe, and after what sorte, Your Grace have used yourself, to attayne to the knowlege of him, that shulde be author of that tale unto her. And I assure Your Grace, my Lorde of Rochester, hering the processe of the matier after this sorte, did arrecte gret blame unto the Quene, as wel for giving soo light credence in soo weighty a matier, as also, when she harde it, to handle the same in such facion, as rumor and brute shuld sprede therof; which might not oonly be summe staye and let to the universal peace, which is now in mayning and treating, but also to the gret daunger and peril of Your Graces succession, if the same shulde be further spred and divulged; and doubted not, but that if he might speke with her, and disclose unto her al the circumstances of the matier as afore, he shulde cause her gretly to repent, humille, and submitte herselfe unto Your Highnes; considering that the thing doon by Your Grace in this matier was soo necessary and expedient, and the Quenes acte herin soo perilous and daungerous, if it be not redubbed. Howbeit I have soo persuaded hym, that he wil nothing speke or doo therin, ne any thing counsail her, but as shal stande with your pleasour; for he saith, although she be Quene of this realme, yet he knowelegith youe for his high Souverain Lord and King; and will not therfor otherwise behave himself, in al matiers, concerning or touching your personne, thenne as he shalbe by Your Grace expressely commaunded; like as he made answer unto the messanger sent from the Quene, as I have before writen. Wherfore there restith oonly the advertisement of your pleasour to be given unto him, wheruppon he wil incontinently repare unto Your Highnes, and further ordre himselfe to the Quene in wordes, maner, and facion, as he shalbe by Your Grace enfourmed and enstructed.

State Papers, Hen. VIII. vol. i. p. 198.

19th July, 1527. WOLSEY TO THE KING.

And as touching the going of Fraunces Phillippes in to Spayne, fayning the same to be for visiting of his mother, now sikely and aged. Your Highnes takith it suerly in the right, that it is chiefly for disclosing of the secrete matier unto th Emperour, and to divise meanes and wayes, howe your entended purpose might be empeched. Wherfor Your Highnes hath right substancially and prudently divised, like as it is more thenne necessary, that his passage in to Spayne, in any wise, shuld be letted and stopped; for if the said matier shuld cumme to th Emperours knowleage, it shuld be noo litel hinderaunce to Your Graces particuler, and the common affayres of Christendom, which be nowe in hande. Ensuying, therfore, Your Graces pleasour, if he cumme by this way, I shal not fayle soo to ordre al thinges, that he shalbe stopped in summe convenient place, without suspecting that the same procedith eyther of Your Highnes, or of me. Howbeit, if he passe by see, there canne be noo provision divised, but that he, arryved in Spayne, shal have opportunite and meanes ynowe to cause the said matier to be brought to th Emperours knowledge, althowe he be not seen in his Courte, or repare unto his presence.

State Papers, Hen. VIII. vol. i. p. 220.

29th July 1527. WOLSEY TO THE KING.

SIRE, — Dayly and hourely musing and thinking on Your Graces gret and secret affayre, and howe the same maye cumme to good effecte and desired ende, aswel for the delyveraunce of Your Grace out of the thraulde, pensif, and dolerous lif that the same is in, as for the continuance of your helth, and the suertie of your realme and succession, I considre howe that the Popes Holynes consent must concurre, aswel for the approbation of such processe, as shalbe made by me in the said matier, as in cace the Quene wold appelle, (as it is not unlike she wil doo) or declyne from my jurisdiction; whose consent fayling, and not possible to be had, then the approbation of the Cardinalles, to be convoked in to oon place, representing the state of the College, is necessaryly requisite: for the spedy atteyning of the which consentes, I canne imagine but two remedies; the oon is the Poopes delyveraunce and restitucion to libertie; that fayling, the other is the convocation of the said Cardinalles in to summe convenient place in Fraunce; for the which purpose, both Your Highnes, the French King, and I, have not oonly sent forth our letters to al such Cardinalles as be absent, but also divised offres, allectives, and practises to be set forth, to induce them

to assemble in Fraunce; of whose repare thither ther is good hoope and apparaunce.

In cace the said peace cannot be by these meanes brought to effecte, whereupon might ensue the Poopes delyveraunce, by whose auctorite and consent Your Graces affayre shuld take most sure, honnorable, effectual, and substancial ende; and who, I doubte not, considering Your Graces gratitude, wold facyly be induced to doo al thyng therin, that might be to Your Graces good satisfaction and purpose; thenne, and in that cace, there is noon other remedye, but the convocation of the said Cardinalles; who, as I am enformed, wil not, ne canne, conveniently convene in any other place but at Avinion, where the administracion of the ecclesiastical jurisdiction hath been in semblable caces heretofore exercised: to the which place, if the said Cardinalles canne be induced to cumme, Your Highnes being soo contented, I purpose also to repare; not sparing any labour, travayl, or payne in my body, charges, or exspences, to doo service unto Your Grace in that behaulf, according to my most bounden dutie and hartes desire, there to consulte and divise with them, for the governaunce and administracion of the auctorite of the church during the said captivite, which shalbe a good grounde and fundament for the effectual execution of Your Graces secrete affayre.

State Papers, Hen. VIII. vol. i. p. 230.

11th August, 1527. WOLSEY TO THE KING, FROM AMIENS.

And forasmoch as, sythens my cummyng hither, I have receyved, out of Flanders, letters from Master Haket, Your Graces Agent there, conteyning that it is cumme to my Lady Margarettes knowlege, by secrete wayes and meanes, as she affermith, that Your Grace entendith to be separate and divorsed from the Quene, and that the said Lady hath broken with the said Master Haket therein; wherby it may be conjected and veryly supposed, that not oonly thEmperour hath knowlege therof, but also they wyl doo and set forth al that they canne at Rome for the interruption and letting of Your Graces purpose: I have therfore, by thadvise of my Lorde of Bath, divised certain expeditions to be made to Rome, aswel by the Bishop of Worcetour, for whom I have sent with al diligence to cumme hither, as by Gregory de Cassales, and the Poopes Ambassadour *, ut in omnem eventum et casum, f the oon expedition faylc the other maye take effecte. And

* Cardinal John Salviati.

I have set forth such practises, not sparing for offering of money, that by oon meane or other, ther is gret apparaunce that oon of these, I purpose to sende for the said expeditions, shal have accesse unto the Poopes personne; to the which if they, or any of them, may attayne, there shalbe al possible wayes and practises set forth for the obtayning of the Poopes consent, aswel in the convocation of Cardinalles, and administracione usum ecclesiasticarum durante captivitate sua, as making of protestacions, and graunting of other thinges, which may conferre and be beneficial to Your Graces purpose.

State Papers, Hen. VIII. vol. i. p. 254.

[Wolsey, during his visit to France in summer 1527, communicates to Henry the particulars of his negotiations for an intended marriage between him and Elinor the Emperor's sister, afterwards the second queen of Francis I., without apparently incurring any displeasure. On the 13th September, 1527, there is a letter of the Cardinal, full of gratitude for his master's approbation.]

January or February, 1529. TUKE TO WOLSEY.

Mr. Brian's letter forasmany clauses as the King shewed me, whiche was here and there as His Grace red it, was totally of desperacion, affermyng plainly that he coude not bileve the Poope wolde do any thing for his Grace, with these wordes added; 'It myght wel be in his Pater Noster, but it was nothing in his crede.' He wrote, also, at other thinges that wer in the common letters, bothe of their commyng to the Poopes presence, the good message sent from the Poope, that he wolde not speke with thEmperours Oratour, withoute their knowledge, and otherwise, except the maters in cifer. I alwais satisfied the King, as wel as I coude, with the contynue of the last letters, wherunto was more respect to be had then to thise, seeing then they knewe and herde more than afore. The Kinges Grace said that those last letters also conteyn smal comfort. Howbeit, finally, His Grace causing me to rede the common letters and the newes, and liking wel the clause discifred, that the registre of the brefe coude not be founde, rested upon some better knowlege by the next letters, and so reversed his letters, with on that was inclosed in Mr. Brians letters, directed I wot not to home, but I suppose to Mastres Anne* with hymself.

4th August, 1529. GARDINER TO WOLSEY.

His Highnes having (*great*) trust and confidence in Your Graces dexterite and , doubteth not but Your Grace, by

* Anne Boleyn.

good handeling (*of the*) Cardinal Campegius, and the Quenes Counsail, the execution of those letters citatorial, also on your , and to cause them to be content the same inhibition (*be*) doon and executed by vertue of the Popes brief to Your Grace, and mencyouning that matier, which I sende unto the same herwith; which brief forasmoch as it rehersith and testifith unto youe the cause to be ad(*voked*), the Kinges Highnes supposith that to be sufficient, wherupon ye may ground the cessation of your processe, and that it should not be nedeful any such letters citatorial, conteyning matier prejudicial to his personne, and royal estate, to be shewed to his subget, within his owne realme. For which considerations, His Highnes wold gladly this breve to be taken in the lieu of the said letters citatorial, if, upon any such reasons as be bifore rehersed, or other as Your Grace, of your high wisedom, can divise, it may be compassed to the satisfaction of the Quenes Counsail, without any suspition to arrise thereof, that any other respect wer coloured therby.

State Papers, Hen. VIII. vol. i. p. 336.

[The supplications of Wolsey for mercy are earnest, and too importunate (see State Papers, Hen. VIII. vol. i. p. 347—371.). Those to Cromwell are honourable to the fidelity of that minister, whom the Cardinal addresses as "mine only aider, my assured refuge." His letters to Gardiner evince the favour and influence then enjoyed by him at court.]

4th June, 1535. Interrogatories of Bishop Fisher.

Interrogatories, ministered, on the Kinge's behalf, (*unto*) John Fissher, Doctour of Divinitie, late Busshop * (*of Rochester*), the 14th daie of June, in the 27th yere of (*the Reign of*) King Henrie th'eight, within the Toure (*of London by the*) right worshippful Mr. Thomas Bedyll, (*Mr. Doctour Aldrige*), Mr. Richard Layton, and Mr. Richard (*Curwen being of the*) Kinges counsail, in the presence of Harrie (*Polstede and John*) Whalley, witnesses, and me John ap Rice, Notary (*Publick*), with the answeres of the said Mr. Doctour Fissher to the (*same.*)†

Firste, whether he wolde obeye the Kinges Highnes, as Supreme Hedde in Erthe under Christe, of the Church of England, and hym so repute, take, and accepte according to the Statute in that behalf made?

* Bishop Fisher was attainted by parliament in December, 1534, for refusing to take the oath of succession; but he was not beheaded till 22d June, 1535.

† This paper, which is mutilated by damp, is among 'Tracts Theological and Political' in the Chapter House, vol. vii. leaf 5.

To this interrogatorie, he answered and said thus; that in thende of the communication and examynacion, had last bifore this tyme, with this respondent, one of (*them did*) make mocion unto hym, (*lyke as*) this respondent thought - - -, to the which mocion (*he gave*) than a certain answere, (*and to the*) same he is yet content (the Kinges Hignes pleasure s(*ignified to him therein*) fully to stande; and th(*at he*) woll further, with hisowne hande, more at length write and (*declare*) the same; which answer being eftsones nowe repeted by mouth, (*with*) all the circumstances of the (*sa*)me, he required the said Counsail to s(*hew*) unto the Kinges Majestie.

Item, whether he woll consent, approve, and affirme (*the Kinges*) Highnes mariage with the moste noble Quene Anne, (*that now*) is to be good and lawfull, and affirme, saye, and pr(*onounce*) thother pretended marriage betwene the Kinges said High(*nes* and) my Lady Catherine Princesse Dowager, was and is (*unlawful*), nought, and of no(*ne effect*), or no?

To this interrogatorie, he answered and said; that (he wold) obeye this, and all o(*ther ar*)ticles and particles conteign(*ed in the Acte*) of Succession in all (*point*)s, (saving allweys his conscience): (*and*) as touching the su(*ccession, he*) saith he is not onlie content to accepte and approve the same; ye, and swere thereto, but also to defende the same, and dampne the tother. Albe it to answer absolutely to this interrogatorie, ye or nae, he desireth to be pardoned.

Item, examined wherein, and for what cause, he wolde not answere resolutelye to the said interrogatories?

To this interrogatorie he desireth, that he maye not be driven to answere, lest he shulde fall therby into the daungers of the Statutes.

(*Signed*) J. (*Notarial Mark*) R.

State Papers, Hen. VIII. vol. i. p. 431.

Interrogatories, ministered to Sir Thomas More, Knight. *

1. Firste, whether he had any communication, reasonyng, or consultacion with any man or person, syns he cam to the Towre, touching thActes of Succession,† thActe of Supreme Hedde,‡ wherin speaking of certain wordes by the Kinges Highnes is made treason§, or no? and yf he saye, yes; than be he asked, whan, howe ofte, with whome, and to what effecte?

* From the same volume, leaves 6 and 7. Sir Thomas More was attainted for the same cause, and at the same time, as Bishop Fisher; his execution was delayed a few days longer, viz. to 6th July, 1535.

† 25 Hen. VIII. cap. 22.

‡ 26 Hen. VIII. cap. 1.

§ 26 Hen. VIII. cap. 13.

2. Item, whether he receaved any letters of any man, or wrote any man, or wrote any letters to other men, sens he cam to the Toure, touching the said actes, or any of theym, or any other busines or affaires concernyng the Kinges Highnes, his succession, or this his royalme? and if he saye, yes; then be he enquired, howe many, of whome, and to whome, whan, and of what tenour or effecte?

3. Item, whether the same letters be foorth commyng or no? and yf he saye no; then be he asked, why, and to what entent they were doon aweye and by whose meanes?

4. Item, whether any man of this royalme, or without this royalme, did sende unto hym any letters or message, counsailling or exhorting hym to continue and persiste in the opinion, that he is in? Yf he saye, yes; than be inquired, howe many theye were, of whome, and to what effecte?

Thansweres of Sir Thomas Moore, Knyght, made to certain interrogatories ministered unto hym, the 14th daie of June, Anno Regni Regis Henrici Octavi 27°, within the Toure of London, on the behalf of the Kinges 'aid Highnes, before Mr. Bedle, Mr. Doctour Aldrige, Mr. Doctour Layton, Mr. Doctour Curwen, in the presence of Polstede, Whalley, and Rice aforesaid.

To the firste he answereth, that he never had any communicacion, or consultacion, touching any of the actes or matiers specified in this interrogatory, sens he cam to the Toure, with any person, as he saith.

To the seconde interrogatorie he saith, that sens he cam to the Toure, he wrote divers scrolles or letters to Mr. Doctour Fissher, and receaved from him some other agein; wherof the moste parte (as he saith) conteigned nothing els, but comforting wordes from either to other, and declaracion of the state that they were in, in their bodies, and gevyng of thankes for suche meate or drinke, that the tone had sent to the tother. But he saith, that he remembreth, that apon a quarter of a yere to his remembrance, after the commyng of this deponent to the Toure, this respondent wrote a letter to Mr. Fissher, wherein he certified hym that this examinat had refused the othe of succession; and never shewed the Counsaill, nor intended ever to shewe any other, the cause, wherefor he did so refuse the same. And the said Mr. Fissher made hym answere by a nother letter, agein, wherein he declared what answere he had made to the Counsaill, and remembreth that this was parte of the contentes thereof: "howe he had "not refused to swere to the succession." And saith, that

there went no other letters betwene theym, that any thing touched the Kinges busynes, lawes, or affaires, till the Counsail cam hether, firste of all, to examyn this deponent upon th Acte of Supreme Hed. After which examination, this examinat receaved a letter from Mr. Fissher, of this effect, viz. "Howe "he was desirous to knowe of this respondent, what answere "he had made to the Counsaill." And therupon thys respondent answered hym by a nother letter, other thus: "My "Lorde, I am determyned to medle of no thing, but only to "geve my mynde uppon Godd, and the summe of my hole "studie shalbe, to thinke upon the Passion of Christe, and my "passage out of this worlde, with the dependences therupon"; —or els thus: "My Lorde, myne answer was this, that I was "determyned to medle with no thing," &c. as above: he can not well remembre, whether of bothe the seid weys he wrote the same letter. Than, within a while after, he saith, he receaved a nother letter from the said Mr. Fissher, of this effect; "That he was infourmed that there was a worde in the statute,* "MALICIOUSELY;" and yf it were so, that he thought therby, "that a man, speking nothing of malice, did not offende the "statute; and desired this respondent to shew hym, whether "he sawe any otherwise in it." And this respondent answered hym agen, by a nother letter, shortely after, of this effect, viz. "Howe this examinat toke it to his thinking, as he did; but "the understanding or interpretacion of the said statute shulde "nother be taken after his mynde, nor after this deponenentes "mynde; and therefor it was not good for any man to truste "unto any suche thing."

And saith farther, that other in this laste letter, or in a nother meane letter, betwene this and the firste, he wrote never, whether this examinat, confessing how he had spoken to the Counsaill, that he wolde medle with nothing, but wolde thinke on the Passion of Christe, and his passage out of the worlde, and that he had written the same wordes to Mr. Fissher; and fearing, leste it might happen hym to speake the same wordes, or like, in his answere to the Counsaill, this examinat desired hym to make hys answere according to his owne mynde, and to medle with no suche thing, as he had written unto hym, leste he shulde geve the Counsaill occasion to wene, that there were some confederacie betwene theym bothe.

Also, saith, that syns the last examination of hym, this examinat did sende Mr. Fissher worde, by a letter that Mr. Sollicitour † had shewed hym, that it was all one not to answere, and to saye agein the statute what a man wolde, as all the lerned

* 26 Hen. VIII. cap. 13. † Richard Rich.

men of England wolde justifie, as he said than; and therfore he said, he coulde reken upon nothing els, but upon the uttermoste: wherfor he prayed him to praye for this examinat, and he wolde agein praye for hym.

Also, he saith, that he, considering howe it shulde comme to his doughters eare, Mr. Ropers wife,* that the Counsaill had been with hym, and shulde here thinges abrode of hym therupon, that might putt her to a soden flight; and fearing leaste she, being (as he thoughte) with childe, shulde take some harme by that soden flight, and therfor myndyng to prepare her bifore, to take well awoorth, what so ever thing shulde betide of hym, better or worse; did sende unto her, bothe after the first examination, and also after the laste, letters, by the whiche he did signifie unto her, howe that the Counsaill had ben to examyne hym, and had asked hym certain questions touching the Kinges statutes, and that he had answered theym, that he wolde not medle with no thing, but wolde serve God: and what thende thereof shulde be, he coulde not tell; but what so ever it were, better or worse, he desired her to take it pacientlye, and take no thought therfor, but onlie praye for hym. And saith, that she had written unto hym, bifore, divers letters, to exhorte hym, and advertise hym to accomodate hymself to the Kinges pleasure; and specially, in the last letter, she used greate vehemence and obsecration, to persuade this examinat to incline to the Kinges desire. And other letters, than are bifore touched, he nother sent, nor receaved, to or from any person, sens he cam to the Toure, to his remembrance; and saith that George, the Lieutenauntes servaunt, did carie the said letters to and fro.

To the third interrogatory he saith, that there is non of the said letters foorth commyng, where he knoweth; but this examinat wolde have had George to kepe theym, and George allweys said, that there was no better keper than the fire, and so bourned theym. And whan he sawe, that he coulde not persuade George to kepe theym, he wolde have had George to shewe them, firste to somme trustie freende of his, that coulde reade, and yf he sawe that there were any matier of importance in theym, that he shulde carie the same to the Counsaill, and geate the thankes hymself, first of any man, therfor: and yf there were non such matiers in theym, that he shulde deliver theym, where he be directed. Yet the said George feared so (as he allweys said) his master, the Lieutenaunte, which had charged hym highely, that he shulde medle with no suche matiers, leaste he wolde have ben extremely displeased with

* Margaret, daughter of Sir Thomas More, was the wife of William Roper, Esq. of Teynham and Eltham, in Kent.

hym if he had seen that he had doon any thing, were it never of so small importaunce, ageinst (*his*) commaundement; and therfor he wolde nedes bourne theym.

To the 4th interrogatorie he answereth, nae.

Examined further, to what intent he did sende the said letters to the said Mr. Doctour Fissher? saith, that considering they were bothe in one prison, and for one cause, he was glad to sende unto hym, and to here from hym agein.

(Signed) J. (*Notarial Mark*) R.

Interrogatories, ministered, on the Kinges behalf, unto Sir Thomas Moore, Knyght, the daie, yere, and place above recited, by the Counsaill afore named, and in the presence of the said witnesses; with his answers unto the same.

Firste, whether he wolde obeye the Kinges Highnes, as Supreme Hedde in erthe, immediately under Christe, of the Churche of England, and hym so repute, take, accepte, and recognise, according unto the statute in that behalf made?

To the which interrogatorie the saieth, that he can make no annswere.

Item, whether he woll consent and approve the Kinges Highnes marriage with the moste noble Quene Anne, that nowe is, to be good and lawfull; and afferme that the mariage betwene the Kinges said Highnes, and the Lady Catherine, Princesse Dowager, pretensed, was and is unjuste and unlawfull; or no?

To the same he saieth, that he did never speke nor medle ayenst the same, nor thereunto make no annswere.

Item, where it was objected unto hym, that by the said statute, he, being one of the Kinges subjectes, is bounde to annswere to the said question, and to recognise the Kinges Highnes to be Supreme Hedde, as is aforesaid, as all other his said subjectes are bounden to recognise, according unto the said statute.

To the same, he saieth, that he can make no answere.

(Signed) J. (*Notarial Mark*) R.

State Papers, Hen. VIII. vol. i. p. 432.

The following Extract of a Despatch of Wolsey to the King in 1521 is instructive to those who are desirous of accurately estimating the morality of the 16th century.

" I have not only written unto your Oratour in the Court of Rome to impeche and lett the Sute made in that Court by

the Queen of Scottes for a Divorce between her and house-band the Earl of Anguish, but also have caused the Popes Oratour here to writeing in the most effectuall way for stopping the same; by means whereof the said Divorce shall not proceed when the Pope shall be informed that the same is procured only for marriage between the Duke of Albany and the Queen *wherby the* DESTRUCTION *of the young King shall ensue.*" *State Paper*, H. VIII. 91.

Such was the representation made to the pope, by Henry, of the designs of his own sister, Queen Margaret, to murder her son James V. then nine years old.

Do. to do., in which the projected marriage of Mary Boleyn with Sir Piers Butler is spoken of in a respectful manner, quite sufficient to outweigh the slight rumours of universal infamy in T. Boleyne's family which are adopted by the Roman Catholic writers, on whose assertion alone we are required to believe the criminal connection of Henry with Mary Boleyne. *Ibid.* 92.

1527. In Wolsey's intricate and fluctuating negotiations with the emperor and the king of France, matrimonial alliances were a considerable part. In that with Charles, his sister Eleanor queen dowager of Portugal, afterwards the second wife of Francis I., was the bait held out to Henry; while Charles was to espouse his young kinswoman the princess Mary, then only eleven years of age. In Wolsey's secret correspondence with the court of France in summer 1527, Margaret, duchess dowager of Alençon, the king's sister, was to be wedded by Henry, who, in his turn, was to bestow the princess Mary on Francis. The correspondence of the king and the cardinal, now first published, exhibits no dissatisfaction of Henry with his minister on that or indeed on any other account; although the downfall of Wolsey is very generally ascribed to the displeasure felt by the lover of Anne Boleyne at the bold minister who had made the disposal of his master's hand the subject of negotiation.

In January 1547, the last month of the life and reign of Henry VIII., his secret stamp was applied by his command to eighty-four instruments, which, in the ordinary course, would have received the royal subscription. The person who stamped the instruments was *William Clere*, the witnesses were *Sir Antony Denny* and *Mr. John Gate.*
State Papers, Hen. VIII. 892.

V.

ANNE BOLEYN.

ALTHOUGH a disproportionately large space in such a volume as the present has already been assigned to the case of this lady, I am tempted to add the following extract from a contemporary writer, which I owe to the kindness of Mr. Amyot, treasurer of the Society of Antiquaries. It is from a memorial to Secretary Cromwell by GEORGE CONSTANTYNE of Lawhadens in Pembrokeshire, an adherent of the reformation, and a follower of Henry Norris, who suffered as one of the supposed lovers of the unfortunate Queen. It was written after the death of Jane Seymour, and not long before the marriage with Anne of Cleves. It is an account of a conversation of Constantyne with John Barlow, dean, and Thomas Barlow, prebendary of Westbury, on the journey of the Barlows to Ilebeck, in Pembrokeshire.

"Apon Setterdaye, beinge the xxiij daye of August, we rode toward Kermarddyn, and in our journey in the mornynge we communed as foloweth: —

"DEANE. GEORGE.

"A my fayth the gere ye showed vs of the mary ageys lyckly. But I never hearde of the Quenes that they shuld be thus handled. GEORGE. In good fayth nor I, nother yet I never suspected, but I promise you there was moch mutteringe of Quene Annes deeth. DEANE. There was indeade. GEORGE. And it ys the thinge that I marked as well as ever I marked any thinge. DEANE. Did ye so? and I can tell nothinge of it, for I was at that tyme at St. Dauid's. GEORGE. Na, ye were in the diocese of St. Assaph, for my Lorde was that tyme in Scotlonde. And I was the same time Mr. Norice's servante. I wrote a letter of comforth vnto hym, and that after he was condemned. I have the copie of the same letter in my howse. DEANE. He had not your letter. GEORGE. Yes I delyvered it unsealed vnto Mr. Lieftenant, and he delyvered it Mr. Norryce. DEANE. I pray the what canst thou tell of the matter? let vs heare. GEORGE. The first that was taken was Markys, and he was at Stepneth in examinacyon on Maye even. I can not tell how he was examined, but upon Maye daye in the mornynge he was in the toure, the trewth ys he confessed it, but yet the sayeing was that he was fyrst grevously racked, which cowlde never know of a trewth. Apon Maye daye Mr. Norycc justed; and after justinge the Kynge rode sodenly to Westminster, and all the waye as I

heard saye, had Mr. Noryce in examinacyon and promised hym his pardon in case he wolde utter the trewth. But what so ever cowld be sayed or done, Mr. Norice wold confess no thinge to the Kynge, where vpon he was committed to the toure in the mornynge. And by the waye as his chapleyn tolde me he confessed, but he sayed at his arrayning, when his owne confession was layed afore him, that he was deceaved to do the same by the Erle of Hampton that now ys.* But what so ever he sayed, he was cast. DEANE. But what can ye tell of Brerton? GEORGE. By my troeth, yf any of them was innocent, it was he. For other he was innocente or els he dyed worst of them all. DEANE. How so? GEORGE. Apon thursdaye afore Maye daye in the mornynge I spake with hym abowt nyne of the clocke, and he tolde me that there was no waye but one with any matter. For I did aske hym and was bold upon hym because we were borne within four myles together, and also we went to grammar scole together. And the same daye, afore ij of the clock, was he in the towre, as ferre as the best. What was layd against him I know not, nor never heard. But at his deeth these were his wordes: I have deserved to dye, if it were a thousande deethes, but the cause wherfore I dye judge not: but if ye judge, judge the best. This he spake iij or foure times. If he were gyltie, I saye, therfore, that he dyed worst of them all. DEANE. Why, how dyed the others? GEORGE. Mary in a manner confessed all but Mr. Norice, who sayd allmost nothinge at all. DEANE. How do ye know it? GEORGE. Mary I hearde them, and wrote every worde that they spake. DEANE. What sayed the others? GEORGE. The Lorde of Ratchforde, after many wordes, to the effecte sayed this· I desyre you that no man wilbe discoraged from the Gospell for my fall. For if I had lyved accordinge to the gospel as I loved it, and spake of it, I had never come to this. Wherfor sayed he, Syrs, for God's love leave not the gospel, but speake lesse and lyve better. For I had rather have one good lyver according to the gospel than ten bablers. And Weston sayed, I had thought to have lyved in abhominacion yet this twenty or thrittie yeres, and then to have made amendes. I thought little it wold have come to this: willinge all other to take example at hym. And Markes sayed: Masters, I pray you all praye for me, for I have deserved the deeth. And the

* Sir William Fitzwilliam, treasurer of the household, who was created Earl of Southampton in 1537, the year after Anne's execution. In the absence of all documentary evidence relating to the examinations, the letters of Sir William Kyngston and Edward Baynton, (all of them unfortunately mutilated) will not fail to be interesting. See Ellis's Original Letters, first series, vol. ii. p. 52. *et seq.*

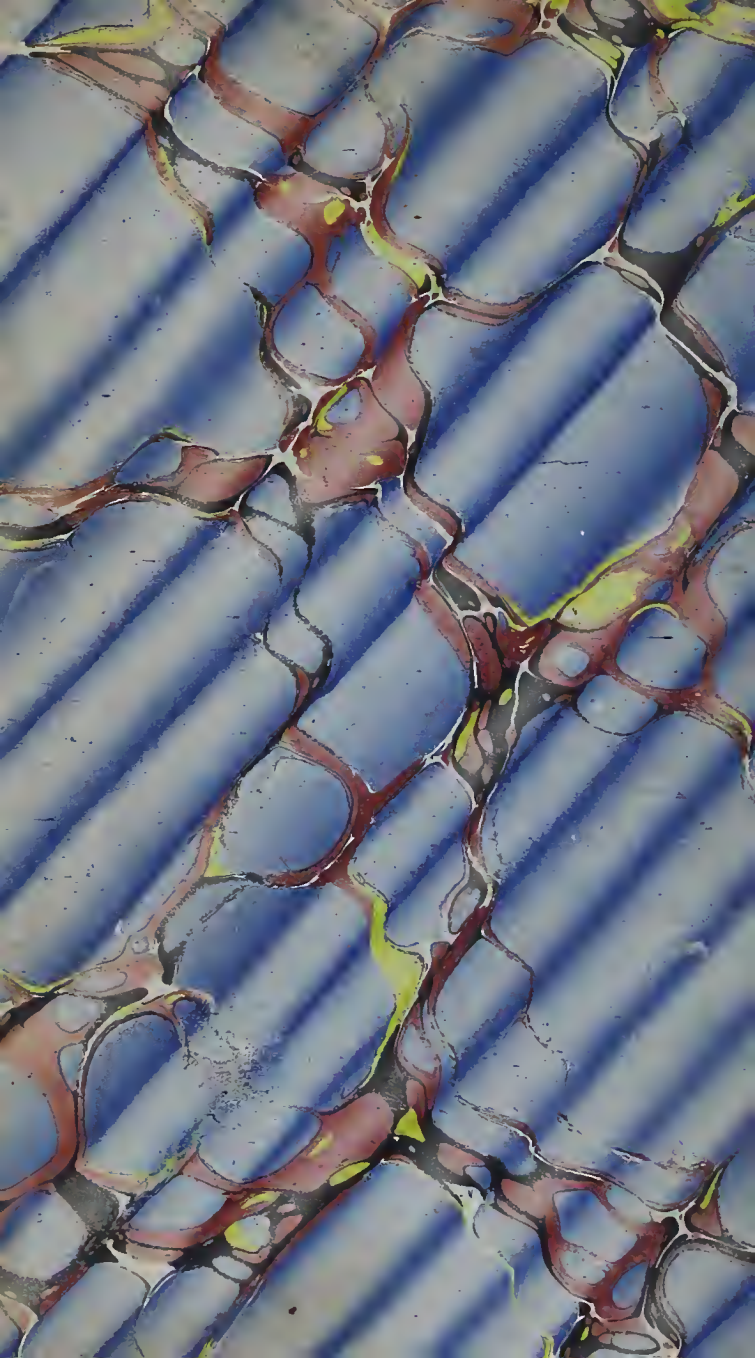
Queene sayed: I do not intende to reason my cause, but I committe me to Christ wholy, in whome ys my whole trust, desirynge you all to praye for the Kynges maiestie that he maye longe regne over you, for he ys a veraye noble prince and full gently hath handled me. DEANE. Know ye any thinge of the examinacyon of her? GEORGE. Her brother and she were examined at the towre. I hearde saye he had escaped had it not byn for a letter. Almost all the lordes that were in the realme were there. And the duke of Northfolke vncle to them both, he was, as it was told me, in the Kynges place and judge. It were pittie he should be alyve if he should judge them against right. DEANE. A marvelouse case, and a great fall. GEORGE. So it was. Now Syr, because that she was a favorer of God's worde, at the leest wise so taken, I tell you few men wolde beleve that she was so abhominable. As I be saved afore God I cowld not beleve it, afore I hearde them speake at their deeth. For there were that sayd that much money wold have byn layed that daye, and that great oddes, that the Lorde Ratchforde should have been quytte. DEANE. I never hearde so much before, as that the Duke of Norfolke was judge. GEORGE. So I hearde saye, And that the water ronne in his eyes. I blame hym not though it greved hym."

"It is to be observed, that the above narrative was written under the terrors of the act relating to the six articles, that it was intended to vindicate an obnoxious reformer; and that, being addressed to Cromwell, it was likely to be read by the king himself. In these circumstances it would have defeated its purpose if it had not been in some measure suited to give a colour of justice to the execution of Anne. It seems to me, when considered in this point of view, to speak of the supposed confessions in language so mild and ambiguous as to betray Constantyne's distrust of his own perfect veracity. It appears, from his previous narrative, that at the court of the Duke of Cleves, Queen Catherine was thought to be poisoned; Queen Anne 'to have been innocently put to death; and Queen Jane to have been lost for lack of keeping in her childbed.'

"But the most interesting passage of the manuscript before us is that which relates to the execution of Anne Boleyn, of which Constantyne was an eye-witness. His opinion, it will be seen, was unfavourable to her innocence. It appears, however, not to have been grounded upon any communication made to him by Norris, whom he then served, nor upon any personal observation which he had enjoyed the opportunity of making while holding that situation; it had been derived merely from the information or belief of those persons with

whom he had conversed at the time of the execution. An opinion thus formed will not, perhaps, be allowed to have much weight; yet it should be recollected that Constantyne, both as a reformer and a follower of Norris, was a partisan of the Queen, and was naturally reluctant (as he in fact appears to have been) to receive an impression of her guilt. In the absence of all evidence, owing to the destruction of the proceedings on the trial, the judgment of the public will probably continue to take the more favourable side, acquitting Anne of positive guilt, though not of indiscretion. The levity of her manners, acquired during her education in France, might have contributed to influence the decision of her judges, as it had already urged the jealous and irritable temper of the king to an act of violence, for which, without some suspicion of her actual guilt, his growing passion for Jane Seymour could hardly have supplied a sufficient motive. Henry, it may be observed, though feared by his subjects, was never unpopular with them, his excesses being attributed more to his ungovernable temper than to any obliquity of heart."—*Letter of Mr. Amyott to Mr. H. Ellis.*

"But the circumstances of this case are hardly susceptible of reasonable explanation on any mitigated or intermediate supposition. The indictment charges the Queen and her friends with repeated and deliberate scenes of turpitude, such as might have excited some surprise at the court of Louis XIV. and XV. If the charges be true, Anne was a fit subject for Suetonius or Juvenal. If they were invented, they were the foulest calumnies ever employed to cover murder. "Levity and indiscretion" are slight motives indeed for such accusations.

END OF THE SECOND VOLUME.

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